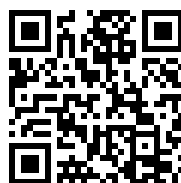

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CYPRUS

*Presented to Parliament by the Secretary of State for the Colonies, the
Secretary of State for Foreign Affairs and the Minister of Defence
by Command of Her Majesty
July 1960*

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CYPRUS

*Presented to Parliament by the Secretary of State for the Colonies, the
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CYPRUS

PART I

INTRODUCTORY

1. Following the Agreement concluded at the London Conference on Cyprus on the 19th February, 1959 (Cmnd. 679) and in accordance with measures agreed at the Conference, action was taken both in Cyprus and in London to prepare for the transfer of sovereignty.

JOINT (CONSTITUTIONAL) COMMISSION

2. In Cyprus a Joint Commission was established with the duty of completing a draft Constitution for the independent Republic of Cyprus, incorporating the Basic Structure agreed at the Zurich Conference (Document II (a) of Cmnd. 679). This Commission completed its work on the 6th April, 1960, when the draft Constitution was signed at Nicosia. Her Majesty's Government in the United Kingdom were not represented on the Joint Commission. The text of the Constitution has, however, been made available to Her Majesty's Government who have informed the other parties that they have no comments on it. Her Majesty's Government, as parties to the Treaty of Guarantee, are guarantors, together with Greece and Turkey, of the provisions of the Basic Articles of the Constitution. It is under certain Articles of the Constitution that guarantees are given for the protection of fundamental human rights, for the interests of the smaller religious groups, and for the protection of the interests of members of the public services, in accordance with paragraph B (2) of the Declaration by the Government of the United Kingdom (Document III of Cmnd. 679).

TRANSITIONAL COMMITTEE

3. A Transitional Committee was established in Cyprus with responsibility for drawing up plans for adapting and reorganising the Government machinery in preparation for the transfer of authority to the independent Republic. This Transitional Committee has met with the Governor's Executive Council as a Joint Council. Greek Cypriot and Turkish Cypriot members of the Council assumed certain ministerial responsibilities, including those of bringing forward policy proposals to the Joint Council and carrying out its decisions. The purpose has been to build up a Cabinet system and a system of Ministerial responsibility. During this transitional period, however, the Governor has remained head of the Executive with full legislative powers.

4. Progress has been made in the reorganisation of the public services. Cypriot officers have taken over responsibility for all but a few posts in the public service and officers have been designated to fill the remaining posts on independence.

5. Elections were held in December 1959. Archbishop Makarios and Dr. Kutchuk were returned as President- and Vice-President-elect of the Republic. Legislation has been passed and administrative arrangements made

for the holding of elections to the House of Representatives and the two Communal Chambers. As envisaged in the draft Constitution these elections will be held before independence.

NEGOTIATIONS IN LONDON AND CYPRUS

6. In London a Committee was set up, known as the London Joint Committee, on which the three Governments and the two Cypriot communities were represented, with the duty of preparing drafts of the final Treaties giving effect to the conclusions of the London Conference. The Secretary of State for Foreign Affairs invited the Foreign Ministers of Greece and Turkey and Archbishop Makarios and Dr. Kutchuk to a conference in London on the 16th January to review the work of the London Joint Committee and to aim at reaching final decisions on outstanding questions. The Governor took part in the discussions. The conference was not however able to complete consideration of all outstanding matters and, at the request of the Greek Cypriot delegation, and with the agreement of the Turkish Cypriot delegation, the date for independence was postponed for one month to the 19th March, 1960. On the 4th February Mr. Julian Amery, Parliamentary Under-Secretary of State for the Colonies, visited Cyprus to discuss the situation with the Governor, and while there had talks with the leaders of the two communities. On the 8th February it was announced in Cyprus that the necessary legislation could not be passed through Parliament in time for the Republic to attain independence by the 19th March. Mr. Amery returned from Cyprus on the 9th February. Explanatory discussions continued between the Governor and the Cypriot leaders until the 16th February. On the 23rd February Mr. Amery returned to Cyprus to continue negotiations with the Cypriot leaders. These negotiations continued until the 1st July, 1960, when agreement was reached on all points.

7. The Treaties and other documents are annexed to this Paper. It is the intention of Her Majesty's Government to execute these documents, where appropriate, when Parliament has signified its consent to the Cyprus Bill and as soon as the Republic of Cyprus has come into being, on a date to be designated by Order in Council made under Clause 1 of the Bill. The intention is that the Treaties and other documents should be signed in Nicosia on Independence Day.

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PART III

NOTES ON DOCUMENTS ANNEXED

SOVEREIGN BASE AREAS

1. Article 1 and Annex A to the draft Treaty of Establishment deal with the definition and demarcation of the land boundaries of the two areas to be retained under British sovereignty and of their territorial waters. The areas are shown on Maps Nos. 1 and 2 at Appendix V to this Paper.

Boundaries

2. The land boundaries are defined in Section 1 of Annex A. Section 2 and Appendix H to this Paper provide for their demarcation on the ground by a Boundary Commission composed of representatives appointed by the United Kingdom and by the Republic. Provision is made for the settlement by an independent expert of any question of the correct interpretation of the maps and other material defining the boundaries. In addition the Commission may, if both sides agree, make minor amendments to the boundaries to take account of local administrative conditions. Section 3 defines the territorial waters of the Sovereign Base Areas.

Dhekelia Power Station

3. This power station, situated on Republican territory, will supply power both to the Republic and to the Sovereign Base Areas. Section 4 of Annex A will allow the service authorities, in the circumstances set out in this section, to provide staff, labour and equipment if adequate supplies of power are not maintained.

United Kingdom Defence Rights and Facilities

4. The rights and facilities in the Republic of Cyprus to be enjoyed by the United Kingdom Government were outlined in the Annex to the Declaration of the United Kingdom Government of February, 1959 (Annex to Document III of Cmnd. 679). Article 2 and Annex B to the draft Treaty of Establishment deal with the rights secured to the United Kingdom Government in the Republic of Cyprus. Article 4 and Annex C deal with the status of forces in the territory of the Republic and in the Sovereign Base Areas.

Sites

5. Sections 1, 2 and 3 of Part II of Annex B to the draft Treaty secure for the United Kingdom authorities the use of a number of Sites in the territory of the Republic of Cyprus. These Sites are shown on Map No. 3 at Appendix V to this Paper. The Sites are in four Schedules. The United Kingdom will have the right to use, without restriction or interference, the Sites listed in Schedules A and B. For the Sites listed in Schedules C and D less extensive rights will be sufficient. Those listed in Schedules A and C are for permanent retention: those in Schedules B and D will be released as soon as practicable.

Facilities

6. The following are some of the facilities secured to the United Kingdom by the same Annex. Section 4 deals with freedom of movement in the Republic and the right for military aircraft to overfly the territory of the Republic. The United Kingdom authorities, under Section 5, will have the right to use the ports and harbours of the Republic. The United Kingdom authorities will also have the right to install and operate communications systems and postal services (Section 6), to employ Cypriot nationals (Section 7) and to undertake surveys (Section 8). Provision is made in Section 8, 3 for the establishment of a Committee to keep under review questions relating to water supplies affecting on the one hand the Sovereign Base Areas and the United Kingdom sites and other installations, and on the other hand the Republic. Section 9, 4 deals with the extension of facilities to Commonwealth forces.

Land

7. Part III of Annex B to the draft Treaty concerns the rights of the United Kingdom authorities to acquire and own immovable property (including land) in the Republic, and to dispose of immovable property if it is no longer needed. The provisions include arrangements for payments to be made in certain circumstances and for disputes about the amounts of such payments to be settled by arbitration.

Training Facilities

8. Part IV of Annex B to the draft Treaty makes provision for the United Kingdom Government to have training facilities in the territory of the Republic; specified areas will be used for manoeuvres, field-firing, engineer training, artillery ranges, amphibious warfare, naval bombardment, parachute dropping and airborne exercises. There will be facilities for air training in specified areas, including an air to ground firing range, a high level bombing range and an instrument flying area. Provision is made (Section 8) for the payment of compensation where appropriate. The areas to be used for training purposes are shown on Map No. 3 at Appendix V to this Paper.

Nicosia Airfield

9. Part V of Annex B to the draft Treaty provides for the joint use of Nicosia airfield for civil and military purposes. Sections 1 and 2 define the part of the airfield exclusively for the use of the United Kingdom, and other parts, notably the runways, designated as joint user areas. The existing civil terminal area will be under the control of the Republic of Cyprus until a new civil terminal has been constructed. Her Majesty's Government have undertaken to pay £500,000 for the construction of this terminal.

10. The Republic of Cyprus will be responsible for all purely civil aviation matters; under Section 2 the United Kingdom will have such facilities as they consider necessary for the operation of military aircraft in peace and war. Under Section 7 the Republic of Cyprus will provide air traffic control within the Cyprus Flight Information Region. There will be single and undivided approach and aerodrome control. This approach control, at present

exercised by the United Kingdom, will become the responsibility of the Republic of Cyprus as soon as they have the qualified staff to exercise it, but the United Kingdom will have the right to provide staff to assist and to exercise exclusive control in emergency.

11. The United Kingdom will be responsible for the maintenance of existing joint user facilities (Section 5), and will make freely available to the Republic of Cyprus such meteorological, fire, crash, search and rescue facilities as are provided for the operation of military aircraft (Section 9). Financial arrangements are set out in Section 12.

12. The areas of the airfield and its surroundings which are to be used exclusively by the United Kingdom and which are to be used jointly with the Republic of Cyprus are shown on Map No. 4 at Appendix V to this Paper.

Payments

13. Part VI of Annex B to the draft Treaty specifies items in respect of which payments will be made by the United Kingdom.

Status of Forces

14. The status of forces in the island is dealt with in Article 4 and Annex C to the draft Treaty. The provisions are reciprocal and will apply both to United Kingdom forces in the Republic and to Cypriot forces in the Sovereign Base Areas. Among the more important provisions is that concerning jurisdiction which generally follows Article VII of the Agreement regarding the Status of Forces of Parties to the North Atlantic Treaty, Cmnd. 9363 (Section 8). Broadly speaking, Service Courts will normally exercise criminal and disciplinary jurisdiction over servicemen, the civilian component and their dependents for offences involving United Kingdom personnel and property only, offences committed on official duty and offences committed solely within the Sites. The Republic's Courts will normally exercise jurisdiction for other offences. Special arrangements are made for the settlement of claims arising from injury or damage caused by members of the forces (Section 9). Section 11 deals with customs arrangements.

CITIZENSHIP

15. Article 6 and Annex D to the draft Treaty make provision for determining the nationality of persons affected by the settlement.

16. Section 2 defines the persons who, by reason of their connexion with and residence in Cyprus, will automatically become citizens of the Republic of Cyprus as from the establishment of the Republic. Section 3 provides that, as from a date six months after the date of the Treaty all the persons with the qualifications specified in Section 2, 2 shall lose their citizenship of the United Kingdom and Colonies but excepts from such loss certain categories of persons who possess a connexion with the United Kingdom and Colonies. These categories are set out in Section 3, 2. Such persons will for the time being possess dual citizenship, but will be able to renounce either their citizenship of the United Kingdom and Colonies or their citizenship of Cyprus.

17. Section 4 makes provision by which certain categories of persons resident outside Cyprus may, by application to the authorities of the Republic

of Cyprus, be granted citizenship of Cyprus. By Section 4, 14 any person thus granted citizenship of Cyprus will thereupon lose his citizenship of the United Kingdom and Colonies. Section 5 makes provision whereby persons naturalised or registered as citizens of the United Kingdom and Colonies in Cyprus, and their descendants in the male line, may obtain citizenship of Cyprus on application made within 12 months of the establishment of the Republic; by Section 5, 5 persons who thus become citizens of the Republic will cease to be citizens of the United Kingdom and Colonies.

18. Section 6 gives an entitlement to certain married women to acquire citizenship of the Republic on the strength of their husband's status under the terms of the Annex. Section 7 enables persons who lose citizenship of the United Kingdom and Colonies under Section 3 to re-acquire it within two years of the establishment of the Republic on the same terms as if they were British subjects other than citizens of the United Kingdom and Colonies. (The normal conditions for such acquisition of citizenship, as laid down in Section 6 (1) of the British Nationality Act, 1948, are that the person shall be ordinarily resident in the United Kingdom and Colonies on the date of the application and shall have been so resident for the immediately preceding 12 months.) Section 8 requires the Republic of Cyprus to give to citizens of the Republic who also possess another nationality or citizenship the right to renounce their citizenship of the Republic; a corresponding right for citizens of the United Kingdom and Colonies is already provided for by Section 19 of the British Nationality Act, 1948.

ASSETS, LIABILITIES AND THE RIGHTS OF CERTAIN PUBLIC OFFICERS

19. Annex E to the draft Treaty and Appendices L and S to this Paper cover certain financial and administrative arrangements consequent on the transfer of power.

20. Section 1 deals with transfer of property of the Government of the Colony of Cyprus to the Government of the Republic. Section 2 provides for the assumption by the Government of the Republic of legal liabilities and obligations of the Government of the Colony.

21. The arrangements concerning the pensions and other rights of certain public officers who retired as a consequence of the impending transfer of power and the conditions of service and other rights of certain officers who continue in the service of the Republic are set out in Section 5 and the Schedule thereto, read in conjunction with the relevant Articles of the Constitution.

CUSTOMS ARRANGEMENTS BETWEEN THE REPUBLIC AND THE SOVEREIGN BASE AREAS

22. Part I of Annex F to the draft Treaty and Appendix M to this Paper set out the customs arrangements between the Republic and the Sovereign Base Areas which follow from the recognition that customs barriers between them should be avoided. Section 8 provides for a committee to be established to keep customs arrangements under review.

MOST-FAVOURLED-NATION TREATMENT

23. Part II of Annex F to the draft Treaty and Appendix N to this Paper deal with most-favoured-nation treatment for the United Kingdom, Greece and Turkey.

ADMINISTRATION OF THE SOVEREIGN BASE AREAS

24. Her Majesty will continue to exercise sovereignty and jurisdiction over the two Sovereign Base Areas.

25. The Air Officer Commanding-in-Chief, Middle East Air Force, Royal Air Force, will be appointed Administrator of the Areas, and will be responsible to the Secretary of State for Air. The Administrator will be empowered to make laws for the peace, order and good government of the Areas. The costs of administration will be borne by Air Votes.

26. Her Majesty's Government have undertaken to make a declaration regarding the administration of the Sovereign Base Areas. The terms of the declaration are at Appendix O to this Paper.

CYPRUS AND THE COMMONWEALTH

27. In the course of their discussions in London in January, 1960, the President- and Vice-President-Elect of the Republic of Cyprus called twice on the Secretary of State for Commonwealth Relations to discuss what continuing links the new Republic might have with the Commonwealth after Independence.

28. After their second meeting on 20th January, an agreed statement was issued to the Press in the terms set out in Appendix F to this Paper.

THE SMALLER RELIGIOUS GROUPS

29. The Armenians, Maronites and Latins constitute three separate religious groups in the island. A statement by Her Majesty's Government on constitutional safeguards for these groups in accordance with paragraph B (2) (i) of the United Kingdom Declaration made at the London Conference of February, 1959 (Document III of Cmnd. 679) is at Appendix E to this Paper. This statement has been accepted by Archbishop Makarios and Dr. Kutchuk.

BRITISH RESIDENTS

30. The special interests of the British Community in the island are to be safeguarded by the exchange of notes set out at Appendix T to this Paper. The British residents will have the right to remain citizens of the United Kingdom and Colonies. They will enjoy the fundamental rights and liberties provided in Part II of the Constitution (Appendix D to this Paper) for all persons, but only those who become citizens of the Republic will be enfranchised.

APPENDIX A

DRAFT TREATY CONCERNING THE ESTABLISHMENT OF THE REPUBLIC OF CYPRUS

The United Kingdom of Great Britain and Northern Ireland, the Kingdom of Greece and the Republic of Turkey of the one part and the Republic of Cyprus of the other part;

Desiring to make provisions to give effect to the Declaration made by the Government of the United Kingdom on the 17th of February, 1959, during the Conference at London, in accordance with the subsequent Declarations made at the Conference by the Foreign Ministers of Greece and Turkey, by the Representative of the Greek Cypriot Community and by the Representative of the Turkish Cypriot Community;

Taking note of the terms of the Treaty of Guarantee signed to-day by the Parties to this Treaty;

Have agreed as follows:—

ARTICLE 1

The territory of the Republic of Cyprus shall comprise the Island of Cyprus, together with the islands lying off its coast, with the exception of the two areas defined in Annex A to this Treaty, which areas shall remain under the sovereignty of the United Kingdom. These areas are in this Treaty and its Annexes referred to as the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area.

ARTICLE 2

(1) The Republic of Cyprus shall accord to the United Kingdom the rights set forth in Annex B to this Treaty.

(2) The Republic of Cyprus shall co-operate fully with the United Kingdom to ensure the security and effective operation of the military bases situated in the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area, and the full enjoyment by the United Kingdom of the rights conferred by this Treaty.

ARTICLE 3

The Republic of Cyprus, Greece, Turkey and the United Kingdom undertake to consult and co-operate in the common defence of Cyprus.

ARTICLE 4

The arrangements concerning the status of forces in the Island of Cyprus shall be those contained in Annex C to this Treaty.

ARTICLE 5

The Republic of Cyprus shall secure to everyone within its jurisdiction human rights and fundamental freedoms comparable to those set out in Section I of the European Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on the 4th of November, 1950, and the Protocol to that Convention signed at Paris on the 20th of March, 1952.

ARTICLE 6

The arrangements concerning the nationality of persons affected by the establishment of the Republic of Cyprus shall be those contained in Annex D to this Treaty.

ARTICLE 7

The Republic of Cyprus and the United Kingdom accept and undertake to carry out the necessary financial and administrative arrangements to settle questions arising out of the termination of British administration in the territory of the Republic of Cyprus. These arrangements are set forth in Annex E to this Treaty.

ARTICLE 8

(1) All international obligations and responsibilities of the Government of the United Kingdom shall henceforth, in so far as they may be held to have application to the Republic of Cyprus, be assumed by the Government of the Republic of Cyprus.

(2) The international rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of their application to the territory of the Republic of Cyprus shall henceforth be enjoyed by the Government of the Republic of Cyprus.

ARTICLE 9

The Parties to this Treaty accept and undertake to carry out the arrangements concerning trade, commerce and other matters set forth in Annex F to this Treaty.

ARTICLE 10

Any question or difficulty as to the interpretation of the provisions of this Treaty shall be settled as follows:—

- (a) Any question or difficulty that may arise over the operation of the military requirements of the United Kingdom, or concerning the provisions of this Treaty in so far as they affect the status, rights and obligations of United Kingdom forces or any other forces associated with them under the terms of this Treaty, or of Greek, Turkish and Cypriot forces, shall ordinarily be settled by negotiation between the tripartite Headquarters of the Republic of Cyprus, Greece and Turkey and the authorities of the armed forces of the United Kingdom.

(b) Any question or difficulty as to the interpretation of the provisions of this Treaty on which agreement cannot be reached by negotiation between the military authorities in the cases described above, or, in other cases, by negotiation between the Parties concerned through the diplomatic channel, shall be referred for final decision to a tribunal appointed for the purpose, which shall be composed of four representatives, one each to be nominated by the Government of the United Kingdom, the Government of Greece, the Government of Turkey and the Government of the Republic of Cyprus, together with an independent chairman nominated by the President of the International Court of Justice. If the President is a citizen of the United Kingdom and Colonies or of the Republic of Cyprus or of Greece or of Turkey, the Vice-President shall be requested to act; and, if he also is such a citizen, the next senior Judge of the Court.

ARTICLE 11

The Annexes to this Treaty shall have force and effect as integral parts of this Treaty.

ARTICLE 12

This Treaty shall enter into force on signature by all the Parties to it.

ANNEX A

(NOTE.—*The large-scale maps, air photographs and descriptions referred to in this Annex are not printed. Copies will be made available in the Libraries of both Houses and an authenticated set will be deposited in the Commonwealth Relations Office during the passage of the Bill through Parliament.*

Small-scale illustrative maps, however, corresponding to Maps A and B₁ referred to in Section 1 of this Annex, are contained in Appendix V to this Paper as maps numbers 1 and 2.)

SECTION 1

The Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area shall comprise the two areas which are approximately indicated in red on Map A and Map B attached to this Annex.

2.—(a) The land boundaries of the Akrotiri Sovereign Base Area shall be as defined in the maps, air photographs and description contained in Schedule A to this Annex.

(b) The land boundaries of the Dhekelia Sovereign Base Area shall be as defined in the maps, air photographs and description contained in Schedule B to this Annex.

3. The maps, air photographs and descriptions in Schedules A and B to this Annex shall be interpreted in accordance with the Introductory Notes to those Schedules.

SECTION 2

1. The boundaries of the Akrotiri Sovereign Base Area and of the Dhekelia Sovereign Base Area provided for in Section 1 of this Annex shall be marked clearly and effectively on the ground by a boundary Commission composed of representatives appointed by the United Kingdom and by the Republic of Cyprus.

2. The Commission shall be appointed and begin its work immediately upon the entry into force of this Treaty, and shall complete it as soon as possible and in any case within a period of nine months.

3. Subject to paragraph 5 of this Section, the Commission shall adhere strictly to the boundaries provided for in Section 1 of this Annex.

4. Any question as to the correct technical interpretation of the maps, air photographs or descriptions upon which the Commission may be unable to agree may be referred by either the United Kingdom or the Republic of Cyprus for decision to an independent expert to be selected by agreement between the United Kingdom and the Republic of Cyprus. His decision shall be final and binding.

5. The Commission may, if the Commissioners of the United Kingdom and of the Republic of Cyprus agree, make minor deviations from the boundaries provided for in Section 1 of this Annex in order to take account of local administrative conditions and may mark the boundaries accordingly. If the Commissioners are unable to agree, the boundaries provided for in Section 1 of this Annex shall be marked as the boundaries.

SECTION 3

1. The Republic of Cyprus shall not claim, as part of its territorial sea, waters lying between Line I and Line II as described in paragraph 2 of this Section, or between Line III and Line IV as described therein.

2. The lines for the purposes of paragraph 1 of this Section shall be as follows:—

Line I: From the position on the low-water line lying in a 163° direction from Point No. 57D/1, as defined in Schedule A to this Annex, in a 163° direction for 6.85 miles; then in a 207° direction for 3 miles; and then in a 204° direction.

Line II: From the position on the low-water line lying in a $108\frac{1}{2}^{\circ}$ direction from Point No. 59A/5, as defined in Schedule A to this Annex, in a $108\frac{1}{2}^{\circ}$ direction for 7.8 miles; and then in a 136° direction.

Line III: From the position on the low-water line lying in a 170° direction from Point No. 41B/10, as defined in Schedule B to this Annex, in a 170° direction for 3.8 miles; then in a 136° direction for 3.1 miles; and then in a 156° direction.

Line IV: From the position on the low-water line lying in a 103° direction from Point No. 42B/3, as defined in Schedule B to this Annex, in a 103° direction for 0.9 miles; then in a 150° direction for 6.3 miles; and then in a 176° direction.

3. In paragraph 2 of this Section, the distances quoted are in sea miles reckoned at 1,852 international metres to one sea mile, and the bearings are referred to the True North and are given in degrees reckoned clockwise from 000° (North) to 359° .

SECTION 4

1. Notwithstanding that the Dhekelia Power Station will stand on territory of the Republic of Cyprus, if the Power Station fails, by reason of absence or insufficiency of staff, labour or equipment, to provide adequate supplies of power to the United Kingdom authorities, authorised service organisations, United Kingdom personnel and their dependents, and contractors, the United Kingdom may in consultation with, or in cases of urgency on notification to, the authorities of the Republic of Cyprus, provide their own staff, labour and equipment to ensure the provision of such supplies so long as the deficiency continues.

2. For the purposes of this Section, "United Kingdom authorities", "authorised service organisations", "United Kingdom personnel", "dependents" and "contractors" have the same meanings as these expressions have for the purposes of Annex B to this Treaty.

ANNEX B

PART I

1. For the purposes of this Annex :—

- (a) “United Kingdom military aircraft” means aircraft used by the land, sea and air armed services of the United Kingdom, and aircraft under the control of or under charter for the purposes of those armed services;
- (b) “Authorised service organisation” means any one of the organisations listed in the Schedule to this Part of this Annex or a person acting on its behalf;
- (c) “United Kingdom authorities” means the United Kingdom Government Departments or other governmental authorities or organisations of the United Kingdom or any one of them or any person acting on behalf of any of them;
- (d) (a) “United Kingdom personnel” means—
 - (i) members of the land, sea and air armed services of the United Kingdom,
 - (ii) persons in the service of or engaged in duties on behalf of any United Kingdom authority duly authorised and identified as such by a United Kingdom authority,
 - (iii) authorised service organisations of the United Kingdom and persons employed by them;
- (b) Save for the purposes of paragraph 5 of Section 2 and paragraph 1 of Section 4 of Part II of this Annex, persons who are nationals of the Republic of Cyprus shall not be regarded as United Kingdom personnel unless they are members of the land, sea or air armed services of the United Kingdom;
- (e) “United Kingdom property” means property owned by or in the occupation, possession or control of any United Kingdom authority or authorised service organisation;
- (f) “Sites” means sites which the Government of the United Kingdom is entitled to use pursuant to Section 1 of Part II of this Annex;
- (g) “Installation” includes any building or structure, whether permanent or temporary, and includes any installation whether on land or in the sea;
- (h) “Territory” includes the territorial sea adjacent to a territory, and reference to any territory shall be construed accordingly;
- (i) “Dependent” of a person means—
 - (i) the wife or husband of that person,
 - (ii) any other person wholly or mainly maintained by or in the custody or charge of that person, and
 - (iii) any other person (not being a national of nor ordinarily resident in the Republic of Cyprus) who is in domestic employment in the household of that person;

- (j) "United Kingdom vessels" means vessels used by the land, sea and air armed services of the United Kingdom and vessels under the control of or under charter for the purposes of those armed services;
- (k) "Contractors" means undertakings and persons, and persons employed by undertakings and persons, who execute work or perform services in the Island of Cyprus for United Kingdom authorities under contracts made with those authorities; provided that, except in relation to "United Kingdom property" and for the purposes of Section 7 of Part II of this Annex, this definition shall not apply to undertakings whose ordinary place of business is in, or to persons who ordinarily reside in, or are nationals of, the Republic of Cyprus;
- (l) "Sutlers" means persons, not being nationals of the Republic of Cyprus nor ordinarily resident therein, who are licensed by the United Kingdom authorities to accompany their land, sea and air armed services in the Island of Cyprus in order to perform services for members of those services.

2. References to "the United Kingdom" in this Annex shall be understood as including a reference to any territory for the international relations of which the Government of the United Kingdom is responsible.

SCHEDULE

Authorised Service Organisations

- Navy, Army and Air Force Institutes (NAAFI)
- Army Kinema Corporation (A.K.C.)
- Royal Air Force Cinema Corporation (R.A.F.C.C.)
- Malcolm Clubs
- Services Central Book Depot
- British Red Cross Society which includes—
 - The Order of the Knights of St. John and
 - The St. Andrew's Ambulance Association
- Soldiers', Sailors' and Airmen's Families Association (S.S.A.F.A.)
- Council for Voluntary Welfare Work (C.V.W.W.) and its constituent Members—
 - (a) Young Men's Christian Association (Y.M.C.A.)
 - (b) Young Women's Christian Association (Y.W.C.A.)
 - (c) Catholic Women's League Services Club Committee
 - (d) Salvation Army
 - (e) Church Army
 - (f) Church of Scotland Committee on Hut and Canteen Work for Her Majesty's Forces
 - (g) Methodist and United Board Churches
 - (h) Toc H

- (i) Church of England Soldiers', Sailors' and Airmen's Clubs
- (j) Mission to Mediterranean Garrisons
- (k) Hibbert Houses
- (l) The Lady Lampson Club.

Women's Voluntary Service for Civil Defence (W.V.S.)

Soldiers' and Airmen's Scripture Readers Association

Forces Help Society and Lord Roberts Workshops

The Royal Naval Film Corporation

Royal Naval Lay Readers' Society

British Sailors' Society

Missions to Seamen

ANNEX B

PART II

SECTION 1

1. The Government of the United Kingdom shall have the right to continue to use, without restriction or interference, the Sites in the territory of the Republic of Cyprus listed in Schedule A to this Part of this Annex.

2. The Government of the United Kingdom shall have the right to continue to use, without restriction or interference, the Sites in the territory of the Republic of Cyprus listed in Schedule B to this Part of this Annex, but shall terminate the use of those Sites as soon as practicable.

3. The Government of the United Kingdom shall have the right to obtain, after consultation with the Government of the Republic of Cyprus, the use of such additional small Sites as the United Kingdom may, from time to time, consider technically necessary for the efficient use of its base areas and installations in the Island of Cyprus.

4. The enumeration in this Treaty of specific rights to be exercised within the Sites shall not be interpreted as prejudicing the general right of use and control to be enjoyed by the Government of the United Kingdom pursuant to paragraphs 1, 2 and 3 of this Section.

SECTION 2

1. The United Kingdom authorities shall have the right to exercise complete control within the Sites, including in particular the rights referred to in the succeeding paragraphs of this Section.

2. The United Kingdom authorities shall have the right to guard and defend the Sites and to exclude from them all persons not authorised by those authorities to enter or be present within the Sites. Officials of the Republic of Cyprus in pursuance of their official duties, or private individuals having good reason, may enter the Sites with the consent of the competent United Kingdom authorities, such consent not to be unreasonably withheld.

3. Regularly constituted units or formations of the armed services of the United Kingdom shall have the sole right to police the Sites, including the right to arrest therein any person suspected of having committed an offence. Any such arrests (other than of persons over whom the United Kingdom has the right to exercise exclusive jurisdiction or the primary right to exercise jurisdiction or of whom the United Kingdom has the right to take custody under the provisions of Section 8 of Annex C to this Treaty) shall be immediately notified to the authorities of the Republic of Cyprus and such persons (other than as aforesaid) shall be handed over forthwith to those authorities to be dealt with by the normal processes of law. The United Kingdom authorities may call on the authorities of the Republic of Cyprus to assist them from time to time with the maintenance of order.

4.—(a) The United Kingdom authorities may take such measures within the Sites as they deem necessary to ensure the security of the Sites and of persons and property in them.

(b) The authorities of the Republic of Cyprus shall, in consultation with the United Kingdom authorities, take such measures outside the Sites as are necessary to ensure the security of the Sites and of persons and property in them; provided that in the event of an immediate threat to that security, the United Kingdom authorities may take precautionary measures outside, but in the immediate and actual vicinity of, the Sites until the authorities of the Republic of Cyprus are able to ensure that security.

5.—(a) The United Kingdom authorities may take such steps as are reasonable in the circumstances to prevent injury or damage to, or interference with, United Kingdom personnel, their dependents and United Kingdom property, and to ensure the security of United Kingdom official information.

(b) In this paragraph, “United Kingdom property” shall also include property owned by or in the occupation, possession or control of any contractor, being property required for the purposes of a contract with the United Kingdom authorities.

SECTION 3

1. At the request of the United Kingdom authorities, the authorities of the Republic of Cyprus shall arrange for such reasonable control over activities in the vicinity of United Kingdom installations and equipment in the Island of Cyprus, including the movement of aircraft, vessels and vehicles, and the erection and construction of installations, and the operation of radio and electrical equipment, as may be considered necessary by the United Kingdom authorities to ensure the efficient operation and security of such installations and equipment of the United Kingdom.

2. In cases where the United Kingdom authorities have reason to suspect the existence in or near the villages of Pergamos or Akhyritou of apparatus likely to cause interference with nearby installations in the Dhekelia Sovereign Base Area, the authorities of the Republic of Cyprus, at the request of the United Kingdom authorities and in co-operation with those authorities, shall search those villages or their neighbourhood for such apparatus and, when any such apparatus is found, fit such suppressors as may be required to eliminate the interference or take away such apparatus for the purpose of fitting suppressors and return it as soon as possible thereafter. The United Kingdom authorities shall be solely responsible for the fitting of such suppressors.

3. In so far as taking into custody proves absolutely necessary, police and members of the armed services of the United Kingdom may take into custody persons who in their presence obstruct or attempt to obstruct the use or exercise of the facilities and rights accorded to the United Kingdom by this Treaty, or who damage or remove or attempt to damage or remove United Kingdom property. The question of jurisdiction in such cases shall be decided in accordance with the provisions of Section 8 of Annex C to this Treaty. Persons so taken into custody, if not subject to the jurisdiction of the United Kingdom service Courts, shall be handed over forthwith to the appropriate authorities of the Republic of Cyprus to be dealt with by the normal processes of law.

SECTION 4

1.—(a) The United Kingdom authorities shall have the right to use roads, ports and other facilities freely for the movement of formed bodies of troops, and convoys of vehicles, of the land, sea and air armed services of the United Kingdom, to and from and between the Akrotiri Sovereign Base Area, the Dhekelia Sovereign Base Area, the Sites, and the other premises and installations referred to in paragraph 6 of Section 8 of this Part of this Annex, Range Areas, Training Areas, localities in which training is carried out, ports and airfields, and, with the consent of the authorities of the Republic of Cyprus, elsewhere.

(b) Except in so far as sub-paragraph (a) otherwise provides, the United Kingdom authorities, authorised service organisations, United Kingdom personnel (not in formed bodies), contractors, sutlers, and the dependents of any of them, shall be given freedom of movement into, out of, and, to the extent permitted by law of the Republic of Cyprus to its citizens, within the territory of the Republic of Cyprus.

2. The United Kingdom authorities shall have the right for United Kingdom military aircraft to fly in the airspace over the territory of the Republic of Cyprus without restriction other than to have due regard for the safety of other aircraft and the safety of life and property in the Republic of Cyprus.

3. The United Kingdom authorities shall have the right, after consultation with the authorities of the Republic of Cyprus, to install, maintain or dismantle in the territory of the Republic of Cyprus such lights and other aids to navigation as the United Kingdom authorities may deem necessary to ensure the proper operation and safety of United Kingdom vessels and military aircraft.

4.—(a) If an aircraft, vessel or vehicle which is or has a load or cargo which is United Kingdom property or consigned to United Kingdom authorities or authorised service organisations, is held up or damaged in the territory of the Republic of Cyprus, the United Kingdom authorities and authorised service organisations and persons acting on their behalf, shall have the right to gain access to that aircraft, vessel or vehicle, or to that load or cargo, as the case may be. If such aircraft, vessel or vehicle has been detained by ordinary process of law of the Republic of Cyprus, access whilst such detention continues shall be, if the authorities of the Republic of Cyprus so request, in the presence of Cypriot officials.

(b) In this paragraph, "United Kingdom property" shall also include property owned by or in the occupation, possession or control of any contractor, being property required for the purposes of a contract with the United Kingdom authorities.

SECTION 5

1. The rights accorded by the Republic of Cyprus by Section 4 of this Part of this Annex shall include the unobstructed use of the port, docks, harbours, piers and related installations and equipment in the Republic of Cyprus.

2. If port facilities in the Republic of Cyprus become inadequate to meet the needs of the United Kingdom authorities or authorised service organisations, by reason of absence or insufficiency of staff, labour or equipment, the United Kingdom authorities shall have the right in consultation with, or in cases of urgency on notification to, the authorities of the Republic of Cyprus, to provide their own staff, labour and equipment to meet these needs for as long as the deficiency continues.

3. In exercise of the rights of the United Kingdom authorities under this Section, United Kingdom vessels shall have the right to visit ports in the Republic of Cyprus and to obtain there provisions, fresh water and other supplies. Visits by Her Majesty's Ships shall be subject to the customary international procedures.

SECTION 6

1. The United Kingdom authorities shall have the right to install and operate freely in the territory of the Republic of Cyprus new and existing communications systems and electronics systems, including the unrestricted right to broadcast and to use the radio frequencies which they consider necessary, and to lay submarine or other cables between the Akrotiri Sovereign Base Area, the Dhekelia Sovereign Base Area, Sites, installations or any of them. Apart from normal news items these broadcasts shall not be concerned with the internal affairs of Cyprus or be of a nature likely to affect adversely the friendly relations of the Republic of Cyprus with other countries.

2. The authorities of the Republic of Cyprus and the United Kingdom authorities shall consult and co-operate to ensure the effective operation of telecommunications in the Island of Cyprus. The authorities of the Republic of Cyprus and the United Kingdom authorities shall conform with the provisions of the International Telecommunication Convention and the International Radio Regulations, and shall jointly establish a Cyprus Telecommunications Co-ordination Committee to enable mutual radio planning to be effected and a Cyprus Frequency Assignment Committee for the purpose of assigning frequencies which may be mutually agreed.

3. The United Kingdom authorities shall have the right, in respect of their existing and new frequencies in the Republic of Cyprus, to notify them to the International Telecommunication Union and to be internationally responsible for them.

4. The United Kingdom authorities shall have the right to operate exclusively for their benefit and for the benefit of United Kingdom personnel and their dependents telegraphic and postal services within the Republic of Cyprus. The authorities of the Republic of Cyprus shall transfer all telegrams and other postal material received for United Kingdom personnel under a British Forces Post Office address to the British Forces Postal Service at the selected office of exchange.

SECTION 7

1. The United Kingdom authorities, authorised service organisations and contractors may employ freely in the Akrotiri Sovereign Base Area, the Dhekelia Sovereign Base Area and in the Sites labour from other parts of the Island of Cyprus.

2. The United Kingdom authorities, authorised service organisations and their contractors shall, so far as is practicable, employ only Cypriot staff and labour in the Island of Cyprus, provided that such staff and labour are available and qualified to do the work. In this regard the United Kingdom authorities, authorised service organisations and their contractors shall as far as possible have regard to the proportionate numbers of the Communities in Cyprus. The above shall not prejudice the right of the United Kingdom authorities, authorised service organisations and their contractors to employ when necessary staff and labour from the British Isles.

3. In so far as shortage or inadequacy of available local labour makes it necessary, the United Kingdom authorities, authorised service organisations and contractors may employ in the territory of the Republic of Cyprus persons not normally resident in the Island of Cyprus. The entry of such persons, save those covered by Annex C to this Treaty, shall be governed by the procedure laid down in the legislation of the Republic of Cyprus for the entry of aliens. It is understood that such procedure shall not be applied in such a manner as to impair the general exercise of the above right.

4. Recruitment of local civilian labour within the territory of the Republic of Cyprus shall be effected with the assistance of the authorities of the Republic of Cyprus through its labour exchanges. The United Kingdom authorities and authorised service organisations shall pay wages and maintain conditions of service which are generally equivalent to those obtaining in similar employment in the Republic of Cyprus. In the territory of the Republic of Cyprus the conditions of employment and work, particularly as regards wages, supplementary payments and conditions for the protection of workers, shall be governed by the general legislation of the Republic of Cyprus.

5. In matters of public health and safety and in matters relating to the protection of workmen, the United Kingdom authorities and authorised service organisations shall, except where military necessity makes it impracticable, arrange that the conditions under which civilians employed by them work in the Island of Cyprus shall be as favourable as those generally existing in similar employment in the Republic of Cyprus; in the territory of the Republic of Cyprus these conditions shall be governed by the general legislation of the Republic of Cyprus, it being understood that in the application of this legislation the authorities of the Republic of Cyprus shall take the necessary measures to ensure that the security and efficient operation of the installations and equipment of the United Kingdom authorities shall not be impaired.

SECTION 8

1. The authorities of the United Kingdom may, after consultation with the authorities of the Republic of Cyprus, make surveys of any kind in any part of the Republic of Cyprus for the purpose of operations under this Treaty. If the authorities of the Republic of Cyprus so desire, a representative of the authorities of the Republic of Cyprus may be present when any survey is made outside the Sites. The results of such surveys and all data in connexion therewith, such as maps, air photographs, triangulation or

other control data, shall be supplied by the United Kingdom authorities to the authorities of the Republic of Cyprus. The rights conferred by this Section shall not extend to areas access to which is generally prohibited by the authorities of the Republic of Cyprus.

2. Subject to the provisions of paragraph 3 of this Section, the United Kingdom authorities and contractors, duly authorised by the United Kingdom authorities, shall have the right within the Sites and the other premises and installations referred to in paragraph 6 of this Section to search for and win by any means water sufficient for their needs and building and construction materials so long as the winning of such materials causes no prejudice to adjacent property. Any archaeological remains and mineral resources, including petroleum, but excluding building and construction materials, which may be discovered during these operations under this Treaty shall remain the property of the Government of the Republic of Cyprus.

3. A Committee consisting of representatives of the United Kingdom authorities and the authorities of the Republic of Cyprus shall be established to keep under continual review the question of such water supplies as may affect both the Akrotiri Sovereign Base Area, the Dhekelia Sovereign Base Area, the Sites and the other premises and installations referred to in paragraph 6 of Section 8 of this Part of this Annex on the one hand, and the Republic of Cyprus on the other, and to make recommendations to the competent authorities as to the means of meeting the needs of the consumers concerned and as to the imposition of any restriction on the abstraction and consumption of water that may be required to ensure that those needs are met and that the water available is fairly distributed.

4. The United Kingdom authorities and authorised service organisations shall have the right to engage or employ contractors, including those from outside the Republic of Cyprus, provided that so far as is practicable without prejudice to the legitimate interests of the United Kingdom preference shall be given to contractors normally residing in the Island of Cyprus.

5. The United Kingdom authorities and authorised service organisations and United Kingdom personnel, contractors, sutlers and the dependents of any of them shall have the right to occupy premises and to reside in the Republic of Cyprus.

6. The following provisions shall apply to the leave camps, groups of residential buildings, and other installations, together with the related land and other facilities, referred to in Schedules C and D to this part of this Annex:—

- (a) the United Kingdom authorities may guard such premises;
- (b) private persons shall have no right of entry to them without the permission of the United Kingdom authorities; and
- (c) officials of the Republic of Cyprus shall act in consultation with the United Kingdom authorities in exercising any right to enter such premises.

7. The United Kingdom authorities, authorised service organisations, United Kingdom personnel, contractors, sutlers and the dependents of any of them shall be permitted to make use of public utilities in the Republic of

Cyprus on terms, conditions and charges not less favourable than those available to other non-governmental users.

8.—(a) The United Kingdom authorities, authorised service organisations, United Kingdom personnel, contractors, sutlers and the dependents of any of them in the Island of Cyprus may purchase locally goods and commodities necessary for their own use or consumption, and such services as they need, under the conditions generally applicable in the Republic of Cyprus.

(b) It shall be the policy of the United Kingdom authorities and authorised service organisations and their contractors to purchase locally goods and commodities which they require in the Island of Cyprus, if they are available at a suitable price and are of the standard required. In order to avoid such purchases having any adverse effect on the economy of the Republic of Cyprus, its competent authorities shall indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

(c) Subject to the provisions of sub-paragraph (b) above, the authorities of the Republic of Cyprus shall not place any obstacle in the way of the United Kingdom authorities, authorised service organisations and their contractors making such purchases on terms and conditions no less favourable than those available to other non-governmental purchasers.

(d) Nothing in this paragraph confers any exemption from the fiscal regulations generally applicable in the Republic of Cyprus.

9. The authorities of the Republic of Cyprus shall place no restriction on activities in the Republic of Cyprus by the United Kingdom authorities or authorised service organisations designed to promote the welfare of United Kingdom personnel, contractors, sutlers, and the dependents of any of them, including the provision of their own educational and medical facilities.

10. The United Kingdom authorities, personnel and contractors and the dependents of either of them shall be exempt from the operation of any law of the Republic of Cyprus relating to matters of education, although wherever practicable they will take all reasonable steps to ensure the maintenance of educational standards at least as high as those obtaining under the law of the Republic of Cyprus.

11. The authorities of the Republic of Cyprus shall exempt the United Kingdom authorities, personnel and their dependents from the regulations of the Republic of Cyprus relating to matters of health in so far as at least equivalent standards or requirements may be enforced by the United Kingdom authorities. The United Kingdom authorities and the authorities of the Republic of Cyprus shall promptly inform each other of the outbreak or suspected outbreak, development and elimination of an infectious disease, as well as of the measures taken.

12.—(a) The United Kingdom authorities, authorised service organisations, contractors and sutlers may in accordance with established practice in the Republic of Cyprus, and without restriction, sell goods to and provide services for United Kingdom personnel, contractors, sutlers and dependents of any of them exclusively. The United Kingdom authorities shall consult with the authorities of the Republic of Cyprus with a view to preventing abuse of the foregoing right.

(b) This paragraph shall not be construed as conferring any right to buy goods free of customs duties or other duties or taxes on those not otherwise entitled.

13. The United Kingdom authorities and authorised service organisations may, if the authorities of the Republic of Cyprus have no objection relating to the internal economy of the Island of Cyprus, sell property, not being immovable property, in the Island which they find to be surplus to their needs.

14. Separate arrangements shall be made at airports and at sea ports in the Republic of Cyprus to deal with United Kingdom property and property of United Kingdom personnel, contractors, sutlers and the dependents of any of them in transit and with customs and immigration control of United Kingdom personnel, contractors, sutlers and the dependents of any of them.

SECTION 9

1. The Government of the United Kingdom shall have the right to obtain, after consultation with the Government of the Republic of Cyprus, the use of such additional rights as the United Kingdom may, from time to time, consider technically necessary for the efficient use of its Sovereign Base Areas and installations in the Island of Cyprus.

2. The United Kingdom authorities shall, in the exercise of their rights in accordance with this Annex, at all times have due regard for the interests of the Republic of Cyprus and of its citizens, including in particular the normal rights of private property.

3. The United Kingdom authorities shall be entitled to all the rights and facilities enjoyed by a force of the United Kingdom by virtue of Annex C to this Treaty, and persons who are in the Island of Cyprus in the course of performing official duties, with the authority of the United Kingdom military Commander in the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area, and their dependents, shall be entitled to all the rights and facilities enjoyed by members of a force and their dependents by virtue of that Annex; provided that this paragraph shall not apply to citizens of the Republic of Cyprus.

4. If the armed services of any country within the British Commonwealth of Nations are for the time being stationed with or operating in conjunction with the United Kingdom armed services based on the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area, the authorities, personnel and dependents of those armed services shall receive in all matters dealt with in this Annex the same treatment as that accorded to the United Kingdom authorities, United Kingdom personnel, and their dependents, including the application of the same obligations.

(NOTE.—*The detailed plans of each Site and the Map showing the approximate position of each Site, which are referred to in Schedules A, B, C and D, are not printed.*

The approximate positions of the Sites are, however, shown on Map number 3 contained in Appendix V to this Paper.)

SCHEDULE A

1. The Sites to which paragraph 1 of Section 1 of this Part of this Annex applies are located as follows:—

- A.1 At the port of Limassol.
- A.2 At Troodos.
- A.3 At Mount Olympus.
- A.4 To the north and west of Zygi.
- A.5 At Cape Kiti.
- A.6/1 At Cape Greco.
- A.6/2 Water supply for Schedule A.6/1.
- A.7 At Mount Yaila.
- A.8 At Heraklis.
- A.9 At the port of Famagusta.
- A.10/1 At Nicosia Airfield.
- A.10/2 Water supply for Schedule A.10/1.

2. The approximate position of these Sites is indicated by numbers A.1 to A.10/2 on the Map annexed to this Part of this Annex. Detailed plans of each Site are annexed to this Schedule.

SCHEDULE B

1. The Sites to which paragraph 2 of Section 1 of this Part of this Annex applies are located as follows:—

- B.1/1 At Polemidhia, including small arms range.
- B.1/2 Water supply for Schedule B.1/1.
- B.2 At disused airfield south of Larnaca.
- B.3/1 North of Zygi.
- B.3/2 Water supply for Schedule B.3/1.
- B.4 At Famagusta, on the Nicosia road.
- B.5 On and to the west of the main Famagusta-Salamis road.
- B.6 To the north-west of Nicosia, on the Kyrenia road.
- B.7 At Nicosia, in Metokio Street.
- B.8 On the coast about 5 miles south of Larnaca.
- B.9/1 To the west of Nicosia.
- B.9/2 Water supply for Schedule B.9/1.
- B.10 On the outskirts of Famagusta, on the Nicosia road.

2. The approximate position of these Sites is indicated by numbers B.1 to B.10 on the Map annexed to this Part of this Annex. Detailed plans of each Site are annexed to this Schedule.

SCHEDULE C

1. The United Kingdom installations and other items to which paragraph 6 of Section 8 of this Part of this Annex applies are located as follows:—

- C.1 At Troodos.
- C.2/1 On the outskirts of Limassol.
- C.2/2 Water supply for Schedule C.2/1.
- C.3 Near Paphos, about $\frac{1}{4}$ mile from the tip of Cape Paphos.
- C.4 On the coast near Ayia Irini.
- C.5 At Kissousa, about 7 miles north of Episkopi, including the Kissousa water source, the pipeline bringing water to the Akrotiri Sovereign Base Area and the Anoyira tunnel.
- C.6 At Limassol, in Paphos Road.
- C.7 On the coast, about $3\frac{1}{2}$ miles north of Famagusta.
- C.8/1 At Famagusta in Peloponnesus Street.
- C.8/2 At Famagusta in Steropis Street.
- C.8/3 At Famagusta in Gladstone Street.

2. The appropriate position of these installations and other items is indicated by numbers C.1 to C.8/3 on the Map annexed to this Part of this Annex. Detailed plans of each Site are annexed to this Schedule.

SCHEDULE D

1. The United Kingdom installations and other items to which paragraph 6 of Section 8 of this Part of this Annex applies until the United Kingdom authorities terminate the use of them are located as follows:—

- D.1/1 On the south-west outskirts of Nicosia.
- D.1/2 On the south-east outskirts of Nicosia.
- D.2 At Karaolos, about 3 miles north of Famagusta.
- D.3 Near Kalopsidha and Makrasyka, about 6 miles north of Dhekelia, including water sources and the pipeline bringing water to the Dhekelia Sovereign Base Area.

2. The appropriate position of these Sites is indicated by numbers D.1/1 to D.3 on the Map annexed to this Part of this Annex. Detailed plans of each Site are annexed to this Schedule.

ANNEX B

PART III

SECTION 1

For the purposes of this Part of this Annex:—

- (a) “immovable property” includes—
- (i) land,
 - (ii) buildings and other erections, structures or fixtures affixed to any land or to any building or other erection or structure,
 - (iii) trees, vines, and any other things whatsoever planted or growing upon any land and any produce thereof before severance,
 - (iv) springs, wells, water and water rights whether held together with, or independently of, any land,
 - (v) privileges, liberties, easements and any other rights and advantages whatsoever appertaining or reputed to appertain to any land or to any building or other erection or structure,
 - (vi) an undivided share in any property hereinbefore set out, in the territory of the Republic of Cyprus;
- (b) “rights over immovable property” includes rights to occupy immovable property by lease, licence, hiring or other agreement, rights of way, privileges, liberties, quasi-easements, and all other rights and advantages whatsoever over immovable property which do not constitute immovable property.

SECTION 2

1. Subject to the provisions of this and the following Sections of this Part of this Annex, the Government of the United Kingdom, United Kingdom authorities and authorised service organisations may, with the consent of the Government of the Republic of Cyprus if such consent is required by the law in force at the relevant time, acquire by private agreement and own immovable property required by them for the purposes of this Treaty in accordance with the provisions of the law generally obtaining in the Republic of Cyprus at the relevant time in respect of such matters. In cases where the law requires consent to such acquisition, the Government of the Republic of Cyprus shall give all sympathetic consideration to a request from the Government of the United Kingdom, a United Kingdom authority or an authorised service organisation for such consent.

2.—(a) The Government of the United Kingdom, United Kingdom authorities and authorised service organisations may, with the consent of the Government of the Republic of Cyprus if such consent is required by the law in force at the relevant time, enter into agreements for the use or occupation of immovable property in accordance with the law generally obtaining in the

Republic of Cyprus at the relevant time in respect of such matters, and the authorities of the Republic of Cyprus shall be notified of any such agreement:

Provided that no consent of the Government of the Republic of Cyprus and no notification shall be required in respect of agreements—

- (i) for the hiring of premises to be used for residential or other similar purposes;
- (ii) in respect of immovable property situated in the Sites or in the premises and installations referred to in paragraph 6 of Section 8 of Part II of this Annex, or in respect of rights of way, privileges, liberties, easements or other rights or advantages appurtenant to the Sites or to those premises and installations.

(b) In cases where the law requires consent to enter into agreements for the use or occupation of immovable property, the Government of the Republic of Cyprus shall give all sympathetic consideration to a request from the Government of the United Kingdom, a United Kingdom authority or an authorised service organisation for such consent.

3.—(a) Subject to the provisions of this Part of this Annex and to any existing rights of other parties, immovable property owned by the Government of the United Kingdom, United Kingdom authorities and authorised service organisations immediately before the entry into force of this Treaty shall continue to be so owned.

(b) In respect of any such immovable property the ownership of which was acquired after the 19th of February, 1959, by the Government of the United Kingdom, by United Kingdom authorities, or by authorised service organisations by compulsory purchase or by virtue of a grant made by the Governor of the Colony of Cyprus, the following provisions shall have effect, that is to say—

- (i) The Government of the United Kingdom, the United Kingdom authority or the authorised service organisation concerned shall, within three months from the entry into force of this Treaty, deliver to the Government of the Republic of Cyprus particulars of such property;
- (ii) the Government of the Republic of Cyprus may, within three months thereafter, by notice in writing to the Government of the United Kingdom, the United Kingdom authority or the authorised service organisation concerned, as the case may be, signify its wish that the ownership of any such property shall vest in the Republic; and upon the giving of such notice, the ownership of the property in question shall be vested in the Republic on payment to the Government of the United Kingdom, the United Kingdom authority or the authorised service organisation concerned, as the case may be, of such amount as shall be sufficient to cover any amount paid or payable by way of compensation or purchase price by the Government of the United Kingdom, the United Kingdom authority or the authorised service organisation concerned for the acquisition of the ownership of such property.

(c) The provisions of this paragraph shall not affect the operation of Sections 3 and 9 of this Part of this Annex.

SECTION 3

1. The Government of the Republic of Cyprus shall, in respect of the Sites and in respect of the premises and installations referred to in paragraph 6 of Section 8 of Part II of this Annex, arrange that as from the entry into force of this Treaty the Government of the United Kingdom shall be enabled to occupy and use the immovable property constituting the Sites and those premises and installations with rights appertaining thereto, as if they were the absolute property of the latter Government freed from the rights of all other persons, for so long as that Government may require the Sites and those premises and installations for the purposes of this Treaty, in so far as the Government of the United Kingdom does not own that property or is not enabled by private agreement so to occupy or use that property:

Provided that nothing in this paragraph shall be interpreted to mean that the ownership of any such property not already owned by the Government of the United Kingdom shall vest in such Government except with the consent of the Government of the Republic of Cyprus where that consent is required under the provisions of paragraph 1 of Section 2 of this Part of this Annex.

2. The United Kingdom authorities shall, immediately upon the entry into force of this Treaty, deposit with the Department of Lands and Surveys in Nicosia such particulars and detailed plans of the immovable property involved as are necessary to enable the Government of the Republic of Cyprus to give effect to paragraph 1 of this Section.

3.—(a) As from the date on which the Government of the United Kingdom, after consultation with the Government of the Republic of Cyprus, obtains the use of any additional Site or right over immovable property, pursuant to paragraph 3 of Section 1 or paragraph 1 of Section 9, respectively, of Part II of this Annex, the provisions of this Section shall apply to that Site or right:

Provided that nothing in this sub-paragraph shall operate to make the provisions of paragraph 1 of this Section applicable to any additional Site or right as aforesaid, unless and until an agreement is reached between the Government of the United Kingdom and the Government of the Republic of Cyprus on the amount of any compensation or annual rent or both to be paid by the former to the latter Government in respect of the use of such additional Site or right.

(b) The United Kingdom authorities shall, by a date to be agreed in respect of the Site or right in question, deposit with the Department of Lands and Surveys particulars and detailed plans of the immovable property involved.

4. Pending the making of such arrangements as may be necessary under paragraph 1 of this Section in respect of the premises and installations referred to in paragraph 6 of Section 8 of Part II of this Annex, those premises and installations shall, for the purposes of paragraph 1 of Section 1 of Part II, be regarded as Sites.

SECTION 4

1. Subject to the provisions of this Part of this Annex and of any law for the time being in force generally obtaining in the Republic of Cyprus, the Republic of Cyprus shall arrange for the registration of the ownership of

immovable property owned by the Government of the United Kingdom or United Kingdom authorities or authorised service organisations and for the recording in the books of the appropriate District Lands Offices of acquisitions by the Government of the United Kingdom and United Kingdom authorities or authorised service organisations of registrable rights over immovable property.

2. Registration shall be effected in the name of such person or authority as may be designated by the United Kingdom authorities for the purpose of the registration in question.

SECTION 5

Where, immediately before the entry into force of this Treaty, immovable property of the Crown, other than that to which Section 3 of this Part of this Annex applies, was used or occupied for the purposes of the land, sea or air armed services of the United Kingdom by arrangement with the Government of the Colony of Cyprus, that use or occupation may continue on the same terms for such a period, not exceeding six months, as may be necessary to facilitate the redeployment of those armed services and to permit the removal of installations erected or established by the United Kingdom.

SECTION 6

1. Immovable property owned and rights over or relating to immovable property exercisable by the Government of the United Kingdom, United Kingdom authorities and authorised service organisations shall not be subject to expropriation, except in so far as this Section provides.

2.—(a) The Government of the United Kingdom will give sympathetic consideration to requests by the Government of the Republic of Cyprus that immovable property owned or occupied by the Government of the United Kingdom or by a United Kingdom authority or by an authorised service organisation, which is required by the Government of the Republic of Cyprus either on its own behalf or on behalf of any other authority for an undertaking of public utility, shall be surrendered in exchange for other immovable property which is considered as equally suitable for the same purpose.

(b) The provisions of this paragraph shall not apply to immovable property constituting the Sites or the premises and installations referred to in paragraph 6 of Section 8 of Part II of this Annex, or to rights appertaining thereto, or to rights conferred by Part II of this Annex.

SECTION 7

1. Where any immovable property owned by the Government of the United Kingdom, United Kingdom authorities or authorised service organisations is no longer needed for the purposes of this Treaty, a notice to that effect shall be given to the Government of the Republic of Cyprus by the Government of the United Kingdom, the United Kingdom authority or the

authorised service organisation concerned; and thereupon the following provisions shall apply, that is to say—

- (a) where such property has been acquired by the Government of the United Kingdom, a United Kingdom authority or an authorised service organisation by compulsory purchase, the Government of the Republic of Cyprus shall ascertain whether, under the provisions of the Land Acquisition Law of the Colony of Cyprus in force immediately before the entry into force of this Treaty, any person has a right of pre-emption in respect of such property and whether any such person wishes to exercise such right;
- (b) within three months from the date of the notice, the Government of the Republic of Cyprus shall notify the Government of the United Kingdom, the United Kingdom authority or the authorised service organisation concerned—
 - (i) whether the person referred to in sub-paragraph (a) of this paragraph wishes to exercise the right of pre-emption referred to therein; or
 - (ii) where the person aforesaid does not wish to exercise such right or where there is no right of pre-emption in respect of such property, whether the Government of the Republic of Cyprus wishes to acquire such property;
- (c) if the notice given under sub-paragraph (b) of this paragraph states that either the person referred to therein wishes to exercise his right of pre-emption or the Government of the Republic of Cyprus wishes to acquire the property involved, the Government of the United Kingdom, the United Kingdom authority or the authorised service organisation concerned shall, on payment of the purchase price to be agreed or determined in accordance with the provisions of paragraph 3 of this Section, transfer such property to the person aforesaid or to the Government of the Republic of Cyprus, as the case may be;
- (d) if, within three months from the date of the notice given to the Government of the Republic of Cyprus, such Government does not notify the Government of the United Kingdom, the United Kingdom authority or the authorised service organisation concerned that either a person wishes to exercise his right of pre-emption or the Government of the Republic of Cyprus wishes to acquire the property involved, the Government of the United Kingdom, the United Kingdom authority or the authorised service organisation concerned may dispose of such property by public auction or private treaty to any person or body capable by the law of the Republic of Cyprus of owning such property:

Provided that no immovable property shall be disposed of to an alien without the consent of the Government of the Republic of Cyprus.

2. The Government of the Republic of Cyprus shall give the United Kingdom authorities and authorised service organisations every assistance in effecting a sale for full value of immovable property to which this Section relates and which that Government does not wish to purchase.

3. If in the case referred to in sub-paragraph (c) of paragraph 1 of this Section the person referred to therein or the Government of the Republic of

Cyprus, as the case may be, does not agree to the price proposed by the Government of the United Kingdom, the United Kingdom authority or the authorised service organisation concerned, the price payable shall be the amount which the property might be expected to realise if offered for sale by a willing vendor to a willing purchaser and shall, failing agreement, be determined by arbitration in accordance with Section 11 of this Part of this Annex.

SECTION 8

Buildings and other erections and structures erected in or constructed on immovable property occupied or used by the Government of the United Kingdom, United Kingdom authorities or authorised service organisations, and fixtures affixed to such immovable property or to such buildings, erections and structures, may be altered, demolished or removed at any time before such immovable property is disposed of or vacated in accordance with this Part of this Annex :

Provided that nothing in this Section shall apply to any building or other erection or structure or to any fixture which has not been erected or constructed by the Government of the United Kingdom or a United Kingdom authority or an authorised service organisation.

SECTION 9

1. Where immovable property owned by the Government of the Republic of Cyprus and occupied or used by the Government of the United Kingdom, a United Kingdom authority, or an authorised service organisation is vacated as being no longer required for the purposes of this Treaty, the following provisions shall apply, that is to say—

- (a) the immovable property shall be left in a condition which does not constitute a danger to public health or safety, and movable objects encumbering the ground shall be removed before the immovable property is vacated;
- (b) buildings and other erections and structures erected in, or constructed on, such immovable property and fixtures affixed to such immovable property or to such buildings, erections and structures by the Government of the United Kingdom, a United Kingdom authority or an authorised service organisation shall revert to the Government of the Republic of Cyprus unless removed before the immovable property in question is vacated;
- (c) the Government of the Republic of Cyprus shall pay to the Government of the United Kingdom, the United Kingdom authority or the authorised service organisation concerned the value of anything which reverts to the Government of the Republic of Cyprus under sub-paragraph (b) of this paragraph and which, within ten years after the vacation of the immovable property in question, is used by the latter Government or is sold or otherwise disposed of for value by that Government;
- (d) the Government of the United Kingdom shall pay to the Government of the Republic of Cyprus a sum representing any diminution in

value of such immovable property which results from the presence on or in it of anything which reverts to the latter Government under sub-paragraph (b) of this paragraph or which results from damage occasioned to that immovable property by the Government of the United Kingdom, a United Kingdom authority or an authorised service organisation while so occupied or used, excluding fair wear and tear, except in so far as such damage has been made good by the Government of the United Kingdom, a United Kingdom authority or an authorised service organisation.

2.—(a) The value referred to in sub-paragraph (c) of paragraph 1 of this Section shall be—

- (i) in relation to anything which is used, sold or otherwise disposed of for value by the Government of the Republic of Cyprus without severance, the increase in the amount which the immovable property concerned might be expected to realise if offered for sale by a willing vendor to a willing purchaser which results from its presence on or in that immovable property;
- (ii) in relation to anything which is used, sold or otherwise disposed of for value by the Government of the Republic of Cyprus after severance, its market value taking into account the cost of severance and of any reinstatement consequent on severance;

and shall be assessed as at the date of such sale or disposal or of the commencement of such use.

(b) The value referred to in sub-paragraph (d) of paragraph 1 of this Section shall be the amount which the immovable property concerned, in the condition in which it was when first occupied or used by the Government of the United Kingdom, a United Kingdom authority or an authorised service organisation, might be expected to realise if offered for sale on the date of vacation by a willing vendor to a willing purchaser.

3. Any sum payable under the provisions of this Section shall be determined, failing agreement, by arbitration in accordance with Section 11 of this Part of this Annex.

4. The provisions of this Section shall not apply to the immovable property referred to in Section 5 of this Part of this Annex.

SECTION 10

1. Where, pursuant to the provisions of paragraph 1 of Section 3 of this Part of this Annex, the Government of the Republic of Cyprus arranges for the Government of the United Kingdom to occupy or use, in accordance with those provisions, any immovable property which was, immediately before the entry into force of this Treaty, in private ownership, either by an agreement between the Government of the Republic of Cyprus and the owner or occupier of such immovable property or by the exercise of compulsory powers, the following provisions shall apply, that is to say—

- (a) in respect of the period during which the immovable property concerned is occupied or used by the Government of the United Kingdom under that arrangement, the Government of the United

Kingdom shall, unless such immovable property forms part of the Sites and premises and installations listed in Schedules A and C to Part II of this Annex, pay to the Government of the Republic of Cyprus, by way of reimbursement of any expenditure involved in that arrangement, the sum payable under the provisions of paragraph 2 of this Section;

- (b) when the immovable property concerned is no longer required for the purposes of this Treaty, it shall be left in a condition which does not constitute a danger to public health or safety and movable objects encumbering the ground shall be removed before that immovable property is vacated;
 - (c) on the vacation of the immovable property concerned when no longer required for the purposes of this Treaty, being immovable property which then reverts to private ownership, the Government of the United Kingdom shall pay to the Government of the Republic of Cyprus, by way of reimbursement of any further expenditure involved in that arrangement, any sum payable under the provisions of paragraph 3 of this Section.
2. The sum referred to in sub-paragraph (a) of paragraph 1 of this Section shall be—

- (a) where the immovable property concerned is a right exercisable over any other immovable property, the periodic sum which might reasonably be expected to be payable by a person granted such right under an agreement freely entered into by the parties thereto, regard being had to any consequential diminution in the annual value of the immovable property over which that right is exercisable;
- (b) in any other case, a periodic sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of such immovable property under a lease whereby such tenant undertook to bear the cost of the repairs and insurance and other expenses, if any, necessary to maintain the immovable property concerned in a state to command that rent:

Provided that in the assessment of that sum no account shall be taken of the special suitability of the immovable property concerned for the purposes of the Government of the United Kingdom.

3. The sum referred to in sub-paragraph (c) of paragraph 1 of this Section shall be a sum representing any diminution in the amount which the immovable property concerned might be expected to realise if offered for sale on the date of vacation by a willing vendor to a willing purchaser, being a diminution resulting from—

- (a) the presence on or in it of any buildings or other erections or structures erected in, or constructed on, such immovable property, or of any fixtures affixed to such immovable property or to such buildings, erections and structures, by the Government of the United Kingdom, a United Kingdom authority or an authorised service organisation; or
- (b) any damage occasioned to such immovable property by the Government of the United Kingdom, a United Kingdom authority or an

authorised service organisation, excluding fair wear and tear, except in so far as such damage has been made good by the Government of the United Kingdom, a United Kingdom authority or an authorised service organisation:

Provided that nothing shall be payable under this paragraph in respect of anything done on the immovable property concerned under an agreement made by the Government of the United Kingdom, a United Kingdom authority, or an authorised service organisation with the owner or occupier of such immovable property or for which compensation has already been paid to or agreed with the owner or occupier.

4.—(a) For the purpose of assessing the sums referred to in paragraphs 2 and 3 of this Section, the immovable property concerned shall be taken to be in the condition in which it was when first occupied or used by the Government of the United Kingdom, a United Kingdom authority, or an authorised service organisation.

(b) Where two or more adjacent immovable properties to which this Section applies belong to the same owner and are simultaneously vacated, as being no longer required for the purposes of this Treaty, any sum payable under the provisions of paragraph 3 of this Section shall be assessed in respect of all such immovable properties taken together.

(c) The sum referred to in paragraph 2 of this Section shall be reviewed at five-yearly intervals, until the immovable property concerned is no longer occupied or used by the Government of the United Kingdom under the arrangement referred to in paragraph 1 of this Section.

5. Any sum payable under the provisions of this Section shall be determined, failing agreement, by arbitration in accordance with Section 11 of this Part of this Annex.

SECTION 11

Any value which under this Part of this Annex is to be determined by arbitration shall be determined by two arbitrators, one to be appointed by the Government of the United Kingdom and one by the Government of the Republic of Cyprus or by the private person or community concerned, as may be appropriate; and where the arbitrators fail to agree, by an umpire to be appointed by the arbitrators, or if they fail to agree on such appointment, by the President of the High Court of Justice of the Republic of Cyprus.

SECTION 12

Nothing in this Part of this Annex shall prevent the conclusion of any special agreement or arrangement between the Government of the United Kingdom and the Government of the Republic of Cyprus with respect to any of the matters covered by this Part of this Annex.

ANNEX B

PART IV

(NOTE.—*The Map referred to in this part of this Annex is not printed. The areas concerned are, however, approximately indicated on Map No. 3 contained in Appendix V to this Paper.*)

SECTION 1

In addition to the other rights conferred by this Treaty, and, in particular, the right of over-flying under paragraph 2 of Section 4 of Part II of this Annex, the United Kingdom authorities shall have the right from time to time to engage in training within the territory of the Republic of Cyprus and the airspace over it. The areas to be used, the periods during which training shall take place, and other special arrangements in connexion with training are set out in the following Sections of this Part of this Annex.

SECTION 2

1. The United Kingdom shall have the right for its armed services, after giving not less than ten days previous notice, to use for the purposes specified in this Section the localities marked A, B, C, D, E and F on the Map annexed to this Part of this Annex and referred to respectively in this Part of this Annex as—

- (a) The Goshi Range Area
- (b) The Akamas Range Area
- (c) The Lefkoniko Range Area
- (d) The Polis Training Area
- (e) The Ayios Vasilios Training Area
- (f) The Prastio Training Area.

The extent of these localities having already been agreed and defined, the necessary maps have been deposited in the appropriate District Offices and with the appropriate United Kingdom authorities in the Akrotiri Sovereign Base Area.

2.—(a) The Goshi Range Area may be used as a field firing range.

(b)—(i) The Akamas Range Area may be used as a field firing range and for all kinds of engineer training, including the carrying out of demolitions.

(ii) The western part of the land area of the Akamas Range Area and the sea area of that Range Area may be used as a naval bombardment range.

(c)—(i) The Lefkoniko Range Area may be used as an artillery range by all types of field artillery.

(ii) Projectiles may only be fired into the inner area of the range area marked C.1 on the Map annexed, but artillery may move and be positioned anywhere in the range area and guns may be fired from anywhere in the inner area* or from the parts of the outer area shaded blue on the Map annexed,

* Note : printed red in Map No. 3 at Appendix V to this Paper.

the passage of projectiles over occupied buildings being avoided as far as possible.

(d) The Polis Training Area may be used for training in amphibious warfare of all kinds including the landing and embarking of personnel, vehicles, artillery and other weapons, stores and equipment on to and from the beaches in the area and the carrying out of exercises and training in conjunction with such landing and embarking.

(e) The Ayios Vasilios Training Area may be used for practising the descent of personnel by parachute and the dropping of vehicles, artillery and other weapons, stores or equipment from aircraft. The United Kingdom authorities shall cease to use the Ayios Vasilios Training Area as soon as an alternative area can be found which is fully suitable in the opinion of the United Kingdom authorities. The Republic of Cyprus will co-operate in finding this area and in making it available to the United Kingdom authorities. When the United Kingdom authorities have accepted an alternative area in place of the Ayios Vasilios Training Area, the United Kingdom authorities may use that Training Area in the same manner as the Ayios Vasilios Training Area and this Treaty shall apply to that area and the airspace over it as it applies to the Ayios Vasilios Training Area and the airspace over it.

(f) The Prastio Training Area may be used for the same purposes as the Ayios Vasilios Training Area and may in addition be used for the carrying out of exercises and training in conjunction with the descent of personnel by parachute.

3.—(a) While any range area or training area is being used the personnel and vehicles of the armed services of the United Kingdom shall have freedom of movement within the area but shall not have the right to enter buildings, farmyards and orchards in the area without the consent of the owner or occupier.

(b) Any range area or training area may be used in accordance with paragraph 2 of this Section in conjunction with training exercises conducted pursuant to paragraph 1 of Section 3 of this Part of this Annex.

4. Training areas may be used from time to time. The aggregate period of use under this Section of a range area in any calendar year may not exceed—

- (i) in the case of the Goshi Range Area, 130 days;
- (ii) in the case of the Akamas Range Area, for field firing and engineer training, 70 days;
- (iii) in the case of the Akamas Range Area, for naval bombardment, 10 days; and
- (iv) in the case of the Lefkoniko Range Area, 45 days.

5.—(a) Before the beginning of a period of use of a range area of which notice has been given under paragraph 1 of this Section, the authorities of the Republic of Cyprus shall arrange the clearance from the range area of persons (other than persons authorised to be there by the armed services of the United Kingdom) and livestock, and shall prohibit the entry and presence of persons (other than persons so authorised) and livestock to and on the range area during the period of use.

(b) During a period of use of a range area of which notice has been given under paragraph 1 of this Section the armed services of the United Kingdom shall have the right to exclude and remove therefrom any persons and livestock.

(c) Sub-paragraphs (a) and (b) of this paragraph shall not apply to the outer part of Lefkoniko Range Area.

(d) The armed services of the United Kingdom shall have the right where necessary and if possible in co-operation with the authorities of the Republic of Cyprus to exclude and remove any persons and livestock from a training area or part of a training area while training or exercises are being carried out on it.

(e) The armed services of the United Kingdom while using range areas and training areas shall take all steps necessary to ensure the safety of persons and livestock in them.

6.—(a) The small-arms range at Polemidhia and the Larnaca ground-attack range (Sites Nos. 1 and 8 in Schedule B to Part II of this Annex) may be used notwithstanding that projectiles may fall into the areas marked G and X on the Map annexed and referred to respectively in this Part of this Annex as the Polemidhia and Larnaca Range Areas.

(b) The Sites constituting the Polemidhia and Larnaca Ranges may be used at any time but not less than 48 hours' notice of a use which may involve danger to persons or property in the range areas shall be given.

(c) Sub-paragraphs (a), (b) and (e) of paragraph 5 of this Section shall apply to the Polemidhia and Larnaca range areas during a period of use of the range in question of which notice has been given in accordance with sub-paragraph (b) of this paragraph, except that livestock are not required to be excluded from the Polemidhia range area.

(d) The United Kingdom shall have the right to install targets and marker buoys in the sea area of the Larnaca Range Area.

7. The United Kingdom authorities shall give sympathetic consideration to any suggestions which the authorities of the Republic of Cyprus may wish to make for an alternative locality for any range area or training area, and shall transfer the training undertaken to the alternative locality, provided that in the opinion of the United Kingdom authorities it is suitable.

SECTION 3

1. The Republic of Cyprus shall make available to the United Kingdom for its armed services the use from time to time of localities in the territory of the Republic of Cyprus, which shall be specified, for tactical training, including mobile training, in the form of exercises in which more than 500 men take part, in accordance with the following provisions:—

(a) The localities within which this training shall take place shall be specified by agreement between the United Kingdom authorities and the authorities of the Republic of Cyprus, and shall be sufficient in number and extent to meet the reasonable needs of the United Kingdom in this respect as from time to time notified by the United Kingdom authorities to the authorities of the Republic of Cyprus.

- (b) Such exercises may take place on up to 40 days in any calendar year; but the period during which they take place shall be the subject of agreement between the United Kingdom authorities and the authorities of the Republic of Cyprus.

2.—(a) In addition to the localities to be specified under paragraph 1 of this Section, the Republic of Cyprus shall make available to the United Kingdom for its armed services the use of three localities in the territory of the Republic of Cyprus for minor routine training. In each locality, up to a maximum of 500 men may be engaged in training under this paragraph at any one time.

(b) The three localities within which this training shall take place shall be sufficient in extent to meet the reasonable needs of the United Kingdom in this respect and shall from time to time be specified by agreement between the United Kingdom authorities and the authorities of the Republic of Cyprus.

(c) Different localities may be specified for different periods of the year provided that not less than three localities are available for such training at any time.

(d) Pending agreement under sub-paragraph (b) of this paragraph to specify other localities, the three localities within which this training shall take place shall be:—

- (i) The Evdhimou-Pissouri locality;
- (ii) The Goshi-Troulli locality;
- (iii) The Sotira locality.

The extent of these localities having already been agreed and defined, the necessary maps have been deposited in the District Offices of Limassol and Larnaca and with the appropriate United Kingdom authorities in the Akrotiri Sovereign Base Area.

3. While carrying out training in any locality specified or to be specified in accordance with paragraph 1 or 2 of this Section, the personnel and vehicles of the armed services of the United Kingdom shall have freedom of movement within the locality but shall not have the right to enter buildings, farmyards or orchards within the locality without the consent of the owner or occupier, or to use tanks or live ammunition.

4. The armed services of the United Kingdom while carrying out training under this Section shall take all reasonable steps to avoid injury and inconvenience to persons and damage to property and shall take precautions against outbreak of fire. So far as possible, villages and land under cultivation shall be avoided.

5. United Kingdom military aircraft operating in conjunction with ground troops on exercises shall not operate in such a way as to affect other aircraft using recognised air traffic lanes.

SECTION 4

The United Kingdom authorities shall consult from time to time with the authorities of the Republic of Cyprus for the purpose of arranging that—

- (a) the use of range areas and training areas takes place so far as possible at season in which damage to agriculture is least likely to be caused;

- (b) the earliest possible information is made available to occupiers of land in range areas and training areas, and to others who may be affected, of the times of the year during which it is intended to make use of the areas;
- (c) consideration is given to any need of the armed services of the Republic of Cyprus and of the Greek and Turkish contingents as taking part in the tripartite Headquarters established on the territory of the Republic of Cyprus in accordance with the Treaty of Alliance, to use range areas and training areas and to carry out training;
- (d) inconvenience caused by training under this Part of this Annex to persons engaged in air and sea navigation, including fishing, is avoided so far as is practicable.

SECTION 5

1. Members of the armed services of the United Kingdom and civilians employed by the United Kingdom authorities may visit any range area, training area or locality in which training under Section 3 of this Part of this Annex has been or may be carried out, at any time for the purpose of planning its use, inspecting it before or after use, dumping stores and equipment in preparation for its use, reinstating it after use, removing from it property of the armed services and guarding such property prior to removal, or, after consultation with the authorities of the Republic of Cyprus, removing, demolishing or otherwise dealing with objects on it which may constitute a danger or which may obstruct the training of the armed services.

2. Visits and activities under paragraph 1 of this Section shall, save in exceptional circumstances, take place by arrangement with the owners or occupiers of the land concerned.

3. Those visits shall not take place more frequently than is reasonably necessary. Visits in connexion with an exercise under paragraph 1 of Section 3 of this part of this Annex shall take place within a reasonable time before or after the exercise in question, and the authorities of the Republic of Cyprus shall be informed in advance of any such visit of more than 15 persons made before the exercise in question.

SECTION 6

1.—(a) Notices required by the foregoing provisions of this Part of this Annex shall be given to an authority nominated for the purpose by the authorities of the Republic of Cyprus.

(b) Each notice shall state the intended period of use of the area or locality in question, and indicate the approximate numbers of, times of, movement of, and routes to be used by, men and vehicles who will move from the Akrotiri Sovereign Base Area or the Dhekelia Sovereign Base Area to the area or locality in question in order to use it during that period.

2. Not less than ten days' notice of the use of the Akamas Range Area as a naval bombardment range and not less than forty-eight hours' notice of the use of the Larnaca Range Area as an aircraft ground attack range shall be given to the authorities responsible for the control of sea and air navigation in and over the territory of the Republic of Cyprus.

3. If the authorities of the Republic of Cyprus have been informed that, in the course of an exercise pursuant to paragraph 1 of Section 3 of this Part of this Annex, United Kingdom military aircraft are to operate in conjunction with ground troops, and the aircraft may operate in a manner which might, but for the provisions of this paragraph, constitute a danger to air navigation, not less than seven days' notice to that effect, specifying when and where the aircraft are to operate, shall be given to the authority responsible for the control of air navigation over the territory of the Republic of Cyprus.

SECTION 7

1. In so far as the following sea areas lie within the waters of the Republic of Cyprus, the authorities of the Republic of Cyprus shall prohibit vessels from entering or remaining in those areas, except under arrangements made by the United Kingdom authorities, during a period of use from time to time of those areas specified in a notice given under the foregoing provisions of this Part of this Annex:—

- (a) the sea area of the Akamas Range Area when the use in question is as a naval bombardment range;
- (b) the sea area of the Larnaca Range Area.

2. Without prejudice to the provisions of paragraph 4 of this Section, in the interests of the security of air navigation, the authorities of the Republic of Cyprus shall take steps to limit or prohibit aircraft, other than United Kingdom military aircraft, from flying in the airspaces and during the periods specified from time to time by the United Kingdom authorities over such parts of the training areas, ranges, range areas and localities used in accordance with this Part of this Annex as are within the territory of the Republic. This prohibition shall extend to—

- (a) the airspace up to a height of 75,000 feet above sea level over the area marked Y.1 on the Map annexed, at all times;
- (b) the airspaces up to a height of 10,000 feet above sea level over the areas marked Y.2 and Y.3 on the Map annexed, at all times;
- (c) the airspace up to a height of 75,000 feet above sea level over the area marked Y.4 on the Map annexed, at such times as may be required by the United Kingdom authorities, who shall give 48 hours' notice of such requirement;
- (d) the airspace between a height of 4,000 feet and a height of 60,000 feet above sea level over the area marked Z on the Map annexed, at all times.

3. The armed services of the United Kingdom may take all reasonable steps to secure that vessels do not enter or remain in the sea areas covered by this Section during the periods mentioned and that aircraft do not enter or remain in the airspaces covered by this Section during the periods mentioned and will have due regard to the safety of such vessels and aircraft.

4. Nothing in this Part of this Annex shall affect any existing internationally recognised air traffic lane or customary international maritime route. The United Kingdom shall give sympathetic consideration to proposals

by the Republic of Cyprus that alterations should be made in range areas and training areas to enable new internationally recognised air traffic lanes to be established or existing lanes to be modified.

SECTION 8

1. Claims for compensation for death, injury, or damage to property occasioned in the course of the exercise of any of the rights provided for in this Part of this Annex shall, subject to the following paragraphs of this Section, be dealt with in accordance with Section 9 of Annex C to this Treaty.

2. A claim for damage to land or to anything growing on land, or to structures or fixtures on land shall not be inadmissible because the armed services of the United Kingdom have a right to enter or make use of that land.

3. No claim shall be admissible in respect of the death of or injury to a person or livestock suffered in an area in which his or their presence is prohibited under this Part of this Annex.

4. No claim shall be admissible in respect of loss of or damage to a vessel or aircraft, or to anything on a vessel or aircraft, or in respect of the death of or personal injury to a person on a vessel or aircraft, suffered while that vessel or aircraft is in a sea area or airspace prohibited to it under this Part of this Annex.

5. For the purposes of this Section damage to property shall include—

- (a) loss of wages and expenses reasonably incurred by a person in connexion with the clearance from a range area or training area of persons or of livestock if required by or under this Part of this Annex, or in connexion with their return to the range area or training area; and
- (b) expenses and loss of profit unavoidably incurred by a person in occupation of land in a range area or training area by reason of his being unable to make use of that land during a period in which entry to it is prohibited or persons and livestock are excluded from it by or under this Part of this Annex.

ANNEX B

PART V

(NOTE.—*The Map referred to in this Part is not printed as an Annex to this Part, but a corresponding Map is contained in Appendix V to this Paper as Map No. 4.*)

SECTION 1

For the purposes of this Part of this Annex:—

- (a) “The new terminal area” means the land coloured blue on the map annexed to this Part of this Annex;
- (b) “The present terminal area” means the land coloured red and hatched in blue on the map annexed;
- (c) “Joint user area” means land coloured yellow on the map annexed;
- (d) “Site” means the land coloured red or brown on the map annexed, including that part hatched in blue and that part hatched in yellow, and is an area forming part of Site No. 10/1 in the list in Schedule A to Part II of this Annex.

SECTION 2

1. Until a new civil air terminal is constructed and brought into use within the new terminal area—

- (a) the present terminal area shall be under the control of the authorities of the Republic of Cyprus and shall not be regarded as part of the Site;
- (b) the road which is marked brown on the map annexed shall be regarded as forming part of the joint user area;
- (c) the new terminal area shall be regarded as forming part of the joint user area.

2. The present taxiway (coloured red and hatched in yellow on the map annexed) in front of the present terminal area shall be regarded as part of the joint user area until a new taxiway replacing it is constructed and brought into use.

3. The United Kingdom authorities shall give sympathetic consideration to requests by the authorities of the Republic of Cyprus that any part of the Site, which is required for an extension of the runways or other facilities in the joint user area, shall be surrendered in exchange for other land which is considered as equally suitable for the purposes for which the Site is used.

SECTION 3

The United Kingdom authorities shall have the right to use the airfield at Nicosia together with any facilities on or connected with the airfield to whatever extent is considered necessary from time to time by the United Kingdom authorities for the operation of United Kingdom military aircraft in peace and in war, including the exercise of any necessary operational control of

air traffic. The Republic of Cyprus shall have the sole right to determine the general policy for the use of Nicosia Airfield by civil aviation. The general conduct of the control of air traffic using Nicosia Airfield shall be a matter for joint consultation between the authorities of the United Kingdom and the authorities of the Republic of Cyprus.

SECTION 4

The joint user area shall be available for the use of the United Kingdom authorities and the authorities of the Republic of Cyprus.

SECTION 5

The United Kingdom authorities shall be responsible for maintaining to existing standards the existing installations providing facilities for the joint user area with the exception of approach and aerodrome control facilities to be provided in accordance with paragraph 1 of Section 7 of this Part of this Annex. Subject to the provisions of Section 3 of this Part, the United Kingdom authorities and the authorities of the Republic of Cyprus shall each have the right, after consultation with the other, to execute new works for the joint user area.

SECTION 6

The United Kingdom authorities shall have the right to provide services for United Kingdom military aircraft at Nicosia Airfield to the extent that they consider necessary.

SECTION 7

1.—(a) There shall be single and undivided approach and aerodrome control of air traffic at Nicosia Airfield, which shall be taken over by the Republic of Cyprus as soon as the necessary qualified staff are available; until then control shall be exercised by the United Kingdom. During the time that control is exercised by the United Kingdom, the Republic of Cyprus shall have the right to provide trained staff to assist in the control of traffic. When responsibility for control is transferred to the Republic of Cyprus, the United Kingdom shall similarly have the right to provide trained staff to assist in the control of traffic.

(b) Notwithstanding the above, the United Kingdom shall, in accordance with Section 3 of this Part of this Annex, have the right to exercise exclusive control in emergency as may be determined by the United Kingdom.

2. The authorities of the Republic of Cyprus shall provide air traffic control within the flight information region administered from Nicosia, including the provision of associated navigational aids and including advisory and alerting services, to the standard customary in international civil aviation practice.

3. At the request of the United Kingdom authorities the authorities of the Republic of Cyprus shall make immediately available to the United Kingdom authorities any information received by the authorities of the

Republic of Cyprus about the movement of all aircraft within the flight information region administered from Nicosia.

4. The specific rights and responsibilities mentioned in this Section shall not be exercised in such a manner as to impair the rights and obligations of the United Kingdom or the Republic of Cyprus contained in other Sections of this Part of this Annex.

SECTION 8

The authorities of the Republic of Cyprus shall ensure that the runways, taxiways and dispersal areas of the airfield at Tymbou are kept in being. The United Kingdom authorities shall have the right, subject to the consent of the authorities of the Republic of Cyprus, to use these runways, taxiways and dispersal areas as a reserve landing ground for Nicosia Airfield and to provide any services for any aircraft landing or taking off there.

SECTION 9

1. The United Kingdom authorities shall make immediately available to the authorities of the Republic of Cyprus the meteorological information which the United Kingdom authorities have received at Nicosia Airfield for their own needs.

2. In so far as the services established for their own use make this possible, the United Kingdom authorities shall make available search and rescue facilities for all civil aircraft within the flight information region administered from Nicosia and fire and crash services for all aircraft using Nicosia Airfield.

SECTION 10

1. At the request of the United Kingdom authorities, the authorities of the Republic of Cyprus shall arrange for such reasonable control over activities in the vicinity of Nicosia Airfield and over the erection of installations, and the operation of radio and electrical equipment, as may be considered necessary by the United Kingdom authorities to ensure the efficient operation and use of Nicosia Airfield.

2. At the request of the authorities of the Republic of Cyprus, the United Kingdom authorities shall within the Site arrange for such reasonable control over activities, including the erection of installations, and operation of radio and electrical equipment, as may be considered necessary by the authorities of the Republic of Cyprus to ensure the efficient operation and use of Nicosia Airfield.

SECTION 11

The appropriate authorities of the United Kingdom and of the Republic of Cyprus shall consult together concerning the operation of this Part of this Annex with a view to ensuring that as far as possible the services to civil aircraft provided by the authorities of both Governments satisfy the requirements of international civil aviation, and in particular that civil aircraft on scheduled flights shall receive priority save in exceptional circumstances or in an emergency.

SECTION 12

1.—(a) The cost of services (including the cost of constructing, maintaining, improving, altering and operating installations) provided for aircraft using Nicosia Airfield shall be borne in accordance with the provisions of this paragraph.

(b) The United Kingdom shall bear the cost of services provided by them under Section 5 and Section 9 of this Part of this Annex.

(c) The cost of services provided under Section 7 of this Part of this Annex which are required for both civil and military aircraft shall be shared between the United Kingdom and the Republic of Cyprus in proportion to the degree of use.

(d) The cost of services required only for civil aircraft shall be borne by the Republic of Cyprus and the cost of services required only for United Kingdom military aircraft which are not registered as civil aircraft shall be borne by the United Kingdom.

(e) The United Kingdom authorities shall, for so long as they require the facility to use Tymbou airfield as provided in Section 8 of this Part of this Annex, make a contribution covering the costs of any rental payments or payments for any maintenance undertaken at United Kingdom request made by the authorities of the Republic of Cyprus for land forming part of the runways, taxiways and dispersal areas at Tymbou which is at the date of entry into force of this Treaty in private ownership. The amount of this contribution by the United Kingdom authorities shall be negotiated between the United Kingdom authorities and the authorities of the Republic of Cyprus. The amount of such a contribution, if not agreed, shall be determined as if it were a sum payable under the provisions of paragraph 2 of Section 10 of Part III of this Annex.

(f) The bearing of the cost of constructing, improving or making major alterations to installations provided for the mutual benefit of the authorities of the United Kingdom and the authorities of the Republic of Cyprus and of exercising the control provided for in Section 10 of this Part of this Annex (including payment of any compensation due for any diminution in value of immovable property resulting from the exercise of such control) shall be the subject of special agreement.

(g) Subject to sub-paragraphs (c) and (f) above, no contribution shall be made by the Republic of Cyprus to the cost of services provided by the United Kingdom, notwithstanding that those services are available for the use of civil aircraft.

2.—(a) The Republic of Cyprus shall have the right to retain all landing fees and other similar fees charged for the use of the airfield by civil aircraft (including United Kingdom military aircraft registered as civil aircraft).

(b) No landing fees or other similar fees shall be chargeable in respect of United Kingdom military aircraft which are not registered as civil aircraft.

(c) No charge on account of rent shall be payable by either Government to the other in respect of land or other immovable property in the joint user area or provided for the joint use of the authorities of the United Kingdom and of the authorities of the Republic of Cyprus.

ANNEX B

PART VI

SECTION 1

Subject to the provisions of this Treaty, the United Kingdom shall make payments in respect of the items indicated below:—

- (a) Fees and charges which may in accordance with any legislation for the time being in force in the Republic of Cyprus be levied or taken in the Department of Lands and Surveys of the Republic of Cyprus in matters relating to immovable property, and stamp duties payable under the provisions of any such legislation in respect of transfers of immovable property;
- (b) A contribution to the Republic of Cyprus, in respect of immovable property occupied by the United Kingdom authorities within the territory of the Republic of Cyprus, which shall be calculated on a basis to be agreed between the United Kingdom and the Republic of Cyprus taking into account the extent to which facilities or services rendered by local authorities and normally included in general rating assessments are enjoyed by the United Kingdom authorities and the services and facilities provided or undertaken by the United Kingdom authorities on their own behalf;
- (c) Port dues, fees and charges which may be levied or taken in accordance with any legislation for the time being in force in the Republic of Cyprus;
- (d) Subject to such special agreements as may be concluded with regard to public utilities, payments for services provided by public utilities in the Republic of Cyprus to the United Kingdom authorities in connexion with the supply of water, electricity, gas and telecommunications services;
- (e) Actual expenditure by the Republic of Cyprus necessarily incurred in connexion with, and in so far as it relates to—
 - (i) the control over activities for which provision is made in paragraph 1 of Section 3 of Part II of this Annex, and
 - (ii) the installing of suppressors pursuant to paragraph 2 of Section 3 of Part II of this Annex;
- (f) Reimbursement of any compensation due to any person for any diminution in the market value of any tangible property, or for any loss or damage in consequence of the restriction in the use of, or the prohibition of accessibility to, any immovable property, resulting from the exercise of the control referred to in sub-paragraph (e) (i) of this Section;
- (g) Fees and charges which may in accordance with any legislation for the time being in force in the Republic of Cyprus be levied or taken in respect of the grant of any permit, licence or certificate relating to the construction of any building or structure or in respect of the grant of any permission to develop immovable property;

- (h) Fees, rents and other annual charges which may in accordance with any legislation for the time being in force in the Republic of Cyprus be levied or taken in respect of the grant of any permit, lease or licence for quarrying or for the extraction and removal of stones, shingle, sand, gravel or other substance from any part of the foreshore;
- (i) Overtime fees payable in accordance with any legislation for the time being in force in the Republic of Cyprus to officers of the Republic of Cyprus in respect of services rendered to the United Kingdom authorities at ports or airports of the Republic of Cyprus;
- (j) Sums payable in accordance with any legislation for the time being in force in the Republic of Cyprus to any municipality or other local authority as a contribution to the cost of the construction of any public street on which immovable property owned by a United Kingdom authority abuts;
- (k) Any recoupment or betterment charge recoverable in accordance with any legislation for the time being in force in the Republic of Cyprus in respect of the development of immovable property surrendered, under the provisions of paragraph 2 of Section 6 of Part III of this Annex, and returned by agreement to the Government of the United Kingdom, or a United Kingdom authority.

SECTION 2

Nothing in this Part of this Annex shall prevent the conclusion of any special agreement or arrangement by the Republic of Cyprus and the United Kingdom in respect of any of the matters covered by this Part of this Annex.

ANNEX C

SECTION 1

1. For the purposes of this Annex:—

(a) “Force” means—

- (i) in relation to the forces of the United Kingdom and to the forces of any other country within the British Commonwealth of Nations to which this Annex applies pursuant to paragraph 3 of this Section, the personnel belonging to the land, sea and air armed services of that country when in the territory of the Republic of Cyprus, provided that the person in question is posted or attached to or is on an official visit to any unit stationed in the Island of Cyprus, or is in the Island in the course of transit on an official movement order;
- (ii) in relation to the forces of the Republic of Cyprus, Greece, or Turkey, the personnel belonging to the land, sea and air armed services of those countries when in the Akrotiri Sovereign Base Area or the Dhekelia Sovereign Base Area, provided that the person in question is posted or attached to or is on an official visit to any unit stationed in the Island of Cyprus, or is in the Island in the course of transit on an official movement order;

this definition shall apply, for the period of one year from the date of entry into force of this Treaty, to personnel of the land, sea and air armed services of the Contracting Parties when visiting the Island of Cyprus to make use of official leave and recreation facilities established there, and shall so apply thereafter unless the receiving State gives three months' notice to the sending State of its wish that this definition shall no longer so apply;

- (b) “Civilian component” means the civilian personnel accompanying a force as defined above who are employed in the service of a force or by an authorised service organisation accompanying a force, and who are not stateless persons nor nationals of nor ordinarily resident in the territory of the receiving State as hereinafter defined;
- (c) “Authorised service organisation” means any one of the organisations listed in the Schedule to Part I of Annex B to this Treaty;
- (d) “Dependent” means—
 - (i) the wife or husband of,
 - (ii) any person wholly or mainly maintained by or in the custody or charge of, and
 - (iii) any other person (not being a national of nor ordinarily resident in the Republic of Cyprus) who is in domestic employment in the household of,a member of a force or civilian component;
- (e) “Sending State” means the State to which the force in question belongs;

(f) “ Receiving State ” means—

- (i) in relation to the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area, the United Kingdom,
- (ii) in relation to the territory of the Republic of Cyprus, the Republic of Cyprus;

(g) “ The territory of the receiving State ” means—

- (i) in relation to the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area, the territory of the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area as defined in Annex A to this Treaty,
- (ii) in relation to the Republic of Cyprus, the territory of the Republic of Cyprus as defined in Article 1 of this Treaty,

and includes the territorial sea adjacent to each such territory;

(h) “ Service authorities of the sending State ” means those authorities of a sending State who are empowered by its law to enforce the service law of that State with respect to members of its forces or civilian component or dependents;

(i) “ Service vehicles ” means vehicles, including hired vehicles, which are exclusively in the official service of a force or authorised service organisation;

(j) “ Sites ” means the Sites which the Government of the United Kingdom is entitled to use pursuant to Section 1 of Part II of Annex B to this Treaty;

(k) References to the Island of Cyprus, or to the Akrotiri Sovereign Base Area or to the Dhekelia Sovereign Base Area shall include the adjacent territorial sea.

2. “ Forces of the United Kingdom ” in this Annex shall be understood as including the forces of any territory for the international relations of which the Government of the United Kingdom is responsible.

3. If the United Kingdom so requests on behalf of the Government of any country within the British Commonwealth of Nations whose forces may from time to time be stationed with or operating in conjunction with the forces of the United Kingdom based on the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area, and if the United Kingdom declares on behalf of the Government in question that such Government accepts the obligations under this Annex of the United Kingdom as a sending State, then the Republic of Cyprus undertakes to grant the rights set out in this Annex to the authorities of the Government in question, their forces, authorised service organisations, members of the force or civilian component, and dependents to the same extent as they are granted to those of the United Kingdom.

4. Notwithstanding paragraphs 1 and 3 of this Section, the sending State and the receiving State may agree that certain individuals, units or formations shall not be regarded as constituting or included in a “ force ” for the purposes of this Annex.

SECTION 2

It is the duty of a force and an authorised service organisation and the members of a force or civilian component as well as their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of this Treaty and, in particular, from any political activity in the receiving State. It is also the duty of the sending State to take necessary measures to that end.

SECTION 3

1. Subject to the relevant provisions of Part II of Annex B to this Treaty and to compliance with arrangements made by agreement for the administration of the boundaries between the Republic of Cyprus and the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area, and provided that they are in possession of the appropriate identity document as laid down in paragraph 2 of this Section, members of a force or civilian component and dependents shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State. They shall also be exempt from the regulations of the receiving State on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territory of the receiving State.

2. For the purposes of paragraph 1 of this Section, the appropriate identity document, which shall be produced on demand by a person authorised to make a demand, is—

- (a) in respect of a member of a force, his official naval, military or air force identity card, showing names, date of birth, rank and number (if any), service and photograph, together with a further document in the English, Greek and Turkish languages, indicating that he is a member of that force,
- (b) in respect of a member of a civilian component or a dependent, a passport, or an identity document in the English, Greek and Turkish languages indicating its bearer's status as a member of a civilian component or a dependent.

3. If a member of a force or civilian component leaves the employ of the sending State or an authorised service organisation and is not repatriated, the authorities of the sending State shall immediately inform the authorities of the receiving State, giving such particulars as may be required. The authorities of the sending State shall similarly inform the authorities of the receiving State of any member of a force who has absented himself without leave for more than 21 days.

4. If the receiving State has requested the removal from its territory of a member of a force or civilian component or has made an expulsion order against an ex-member of a force or civilian component or against a dependent of a member or ex-member, the authorities of the sending State shall be responsible for receiving the person concerned within their own territory or otherwise disposing of him outside the receiving State. This paragraph shall apply only to persons who are not nationals of the receiving State and have

entered the receiving State as members of a force or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

SECTION 4

The receiving State shall accept as valid, without a driving test or fee, the driving permit or licence or service driving permit issued by the sending State or the authorities of any territory under its jurisdiction to a member of a force or civilian component, or a dependent.

SECTION 5

1. Members of a force may wear uniform or civilian clothes; they shall, however, wear uniform when actually performing their official duties within the territory of the receiving State. This paragraph shall not preclude the conclusion of special arrangements on this matter between the authorities of the sending and receiving States.

2. Service vehicles of a sending State shall carry a distinctive mark indicating their status as such, in addition to their registration number.

SECTION 6

Members of a force may possess and carry arms, if they are authorised to do so by their orders. The receiving and sending States shall give sympathetic consideration to requests from each other concerning the possession and carriage of arms.

SECTION 7

1. A receiving State shall give effect to the reasonable needs of a force to carry out its duties without hindrance and to maintain its normal administrative arrangements; and the following provisions shall apply in respect of any legislation (including subsidiary legislation) having the effect of prohibiting, hindering, limiting, or imposing conditions on, the possession, operation, or use for an official purpose of arms, explosives, vessels, aircraft, equipment or stores belonging to a force, or having the effect of hampering a force in the performance of its duties or in the provision of amenities for the members of a force, civilian component or dependents, that is to say—

- (a) if the armed services of the United Kingdom or their property were specifically exempted from the operation of any such legislation which was part of the law obtaining in the Island of Cyprus immediately before the entry into force of this Treaty, such exemption shall extend to a force for so long as such legislation continues to be in force and pending further legislation by the receiving State;
- (b) if the armed services of the United Kingdom or their property were exempted from the operation of any legislation as above by virtue of Section 42 of the Interpretation Law of the Colony of Cyprus or of the rule of law with respect to the application of enactments to the Crown, such exemption shall extend to a force—
 - (i) until such legislation is repealed; or
 - (ii) until further legislation specifically providing for, or terminating, the exemption, as the case may be, is enacted; or

- (iii) until the expiration of the period of one year from the date of the entry into force of this Treaty and of any further period that may be agreed upon in order to enable the sending and receiving States in consultation to examine the necessity or otherwise for the retention and specific provision of any such exemptions, and to enable the receiving State to enact legislation accordingly;

whichever shall first occur;

- (c) if the force or its property are not specifically exempted from the operation of any legislation as above, the receiving State shall give sympathetic consideration to requests for specific exemption of the force or of its property from the operation of the legislation hereinbefore mentioned;
- (d) if any such legislation shall be enacted by the receiving State after the entry into force of this Treaty, the receiving State shall give sympathetic consideration to requests for the exemption of the force or of its property from the operation thereof.

2. Authorised service organisations of a sending State shall be exempt from legislation concerning the constitution, management and conduct of companies, or of organisations as such, and from legislation affecting their commercial and other activities, subject however to the relevant provisions of Part II of Annex B to this Treaty. The United Kingdom authorities shall comply with reasonable requests by the authorities of the Republic of Cyprus for information as to the activities of authorised service organisations.

SECTION 8

1. Subject to the provisions of this Section—

- (a) the service authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction conferred on them over all persons who are by the law of the sending State subject to the jurisdiction of its service Courts;
- (b) the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component and their dependents with respect to offences committed within the territory of the receiving State and punishable by the law of that State.

2.—(a) The service authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons who are by the law of the sending State subject to the jurisdiction of its service Courts with respect to offences, including offences relating to its security, punishable by the law of the sending State, but not by the law of the receiving State.

(b) The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependents with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending State.

(c) For the purposes of this paragraph and of paragraph 3 of this Section an offence against the security of that State shall include—

- (i) treason against the State;
- (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:—

- (a) The service authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or civilian component or a dependent in relation to—
 - (i) offences solely against the property or security of that State, offences solely against the person or property of another member of the force or civilian component of that State or of a dependent, or offences committed solely within the Sites;
 - (ii) offences arising out of any act of omission done in the performance of official duty.
- (b) In the case of any other offence, the authorities of the receiving State shall have the primary right to exercise jurisdiction.
- (c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance and in cases of minor offences where the receiving State has the primary right and where the service authorities of the sending State can impose a suitable punishment by disciplinary action without recourse to a court.

4. The foregoing provisions of this Section shall not imply any right for the service authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the forces of the sending State.

5.—(a) The authorities of the receiving and sending States shall assist each other in the arrest of members of a force or civilian component or their dependents in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of the receiving State shall notify promptly the service authorities of the sending State of the arrest of any member of a force or civilian component or a dependent.

(c) The sending State, if the receiving State is to exercise jurisdiction over a member of a force or civilian component or a dependent, shall have the right to take custody of him until he is brought to trial by the receiving State; provided that the sending State undertakes to present him to the Courts of the receiving State for investigatory proceedings and trial when required.

6.—(a) The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of the receiving and sending States shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7.—(a) A death sentence shall not be carried out in the receiving State on a member of a force or civilian component or a dependent if the legislation of either the receiving or the sending State does not provide for such punishment in a similar case.

(b) The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the sending State under the provisions of this Section within the territory of the receiving State.

8. Where an accused has been tried in accordance with the provisions of this Section by the authorities of one State and has been acquitted, or has been convicted, he may not be tried again for the same offence by the authorities of the other State. However, nothing in this paragraph shall prevent the service authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of the receiving State.

9. Whenever a member of a force or civilian component or a dependent is prosecuted under the jurisdiction of the receiving State he shall be entitled—

- (a) to a prompt and speedy trial;
- (b) to be informed a reasonable time in advance of trial of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of the receiving State;
- (e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State;
- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of the Government of the sending State and, when the rules of the court permit, to have a representative of that Government present at his trial.

SECTION 9

1. Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by the former and used by the land, sea or air armed services of the former, if such damage—

- (a) was caused by a member or an employee of the armed services of the latter Contracting Party in the execution of his duties; or

- (b) arose from the use of any vehicle, vessel or aircraft owned by the latter Contracting Party and used by its armed services provided either that the vehicle, vessel or aircraft causing the damage was being used in connexion with official duties or that the damage was caused to property being so used.

However, paragraph 2 of this Section, and not this paragraph, shall apply to claims for such damage if the damage was caused by the malicious act of a member or employee of the armed services of the former Contracting Party. Claims for maritime salvage by one Contracting Party against any other Contracting Party shall be waived, provided that the vessel or cargo salvaged was owned by a Contracting Party and being used by its armed services.

2.—(a) In the case of damage caused or arising as stated in paragraph 1 of this Section to other property owned by a Contracting Party and located in its territory, the issue of the liability of any other Contracting Party shall be determined and the amount of damage shall be assessed, unless the Contracting Parties concerned agree otherwise, by a sole arbitrator selected in accordance with sub-paragraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in sub-paragraph (a) above shall be selected by agreement between the Contracting Parties concerned from amongst the nationals of the receiving State who hold or have held high judicial office. If the Contracting Parties concerned are unable, within two months, to agree upon the arbitrator, either may request the President of the High Court of Justice of the Republic of Cyprus to select an arbitrator with the aforesaid qualifications.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the Contracting Parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of sub-paragraphs (e), (i), (ii) and (iii) of paragraph 5 of this Section.

(e) The compensation of the arbitrator shall be fixed by agreement between the Contracting Parties concerned and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

3. For the purposes of paragraphs 1 and 2 of this Section, the expression "owned by a Contracting Party" in the case of a vessel includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party).

4. Each Contracting Party waives all its claims against any other Contracting Party for injury or death suffered by any member of its armed services while such member was engaged in the performance of his official duties.

5. Subject to the provisions of paragraph 6 of this Section, claims (other than contractual claims and those to which the provisions of paragraph 7 or 8 of this Section apply) arising out of acts or omissions of members of a force

or civilian component done in the performance of official duty, or out of acts or omissions of persons locally employed in the service of a force done in the performance of their duties as such, or out of any other act, omission or occurrence for which a force or civilian component is legally responsible, and causing damage in the territory of the receiving State to third parties, other than any of the Contracting Parties, shall be dealt with by the receiving State in accordance with the following provisions:—

- (a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.
- (b) The receiving State may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State in its currency.
- (c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the receiving State, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Contracting Parties.
- (d) Every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with sub-paragraphs (e), (i), (ii) and (iii) of this paragraph. In default of a reply within two months the proposed distribution shall be regarded as accepted.
- (e) The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs of this paragraph and paragraph 2 of this Section shall be distributed between the Contracting Parties, as follows:—
 - (i) Where one sending State alone is responsible, the amount awarded or adjudged, shall be distributed in the proportion of 25 per cent chargeable to the receiving State and 75 per cent chargeable to the sending State.
 - (ii) Where more than one State is responsible for the damage, the amount awarded or adjudged shall be distributed equally among them; however, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States.
 - (iii) Where the damage was caused by the armed services of the Contracting Parties and it is not possible to attribute it specifically to one or more of those armed services, the amount awarded or adjudged shall be distributed equally among the Contracting Parties concerned; however, if the receiving State is not one of the States by whose armed services the damage was caused, its contribution shall be half that of each of the sending States concerned.
 - (iv) Every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted shall be sent to the sending State

concerned, together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State.

- (f) In cases where the application of the provisions of sub-paragraphs (b) and (e) of this paragraph would cause a Contracting Party serious hardship, it may request the arrangement of a settlement of a different nature under the procedure set out in Article 10 of this Treaty.
 - (g) A member of a force or civilian component shall not be subject to any proceedings for the enforcement of any judgment given against him in the receiving State in a matter arising from the performance of his official duties.
 - (h) Except in so far as sub-paragraph (e) of this paragraph applies to claims covered by paragraph 2 of this Section, the provisions of this paragraph shall not apply to any claim arising out of or in connexion with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Section does not apply.
6. Where the United Kingdom is the only Contracting Party involved as a sending State in a claim, the following provisions shall apply, in lieu of those set out in sub-paragraphs (a) to (f) of paragraph 5 of this Section:—
- (a) the claim shall be made to the appropriate District Officer or other officer nominated for the purpose by the Government of the receiving State (hereinafter in this paragraph referred to as the “Officer”), who shall forthwith notify the appropriate authorities of the sending State;
 - (b) the Officer shall, as expeditiously as possible, make any necessary investigation of the claim and shall forward to the appropriate authorities of the sending State particulars of the claim, together with the results of any such investigation, his recommendations and copies of any experts’ reports or other documentary evidence which may have been obtained by him or submitted by the claimant;
 - (c) the appropriate authorities of the sending State shall, as expeditiously as possible and after making any further investigation that they may think necessary, consider the claim, taking into account the results of any investigation made by the Officer, his recommendations and any copies of experts’ reports or other documents forwarded by him, and shall then notify the Officer whether they are prepared to pay any compensation in satisfaction of the claim and, if they are so prepared, the amount of such compensation;
 - (d) on receipt of that notification, the Officer shall communicate to the claimant its contents and, where the claimant accepts the amount of any compensation offered, the claim shall be settled by the Officer paying to the claimant the amount of compensation accepted by him, which shall then be reimbursed by the sending State;
 - (e) if a claim is rejected altogether, or if the claimant does not agree to the compensation offered to him, or if, within four months from the date of the submission of the claim no compensation is offered to the claimant, the question whether any compensation is payable or of

the amount of such compensation, as the case may be, may be submitted by the claimant or by the Officer or by the appropriate authorities of the sending State to an arbitrator appointed in accordance with sub-paragraph (b) of paragraph 2 of this Section, whose decision on the question shall be final and conclusive:

Provided that—

- (i) the receiving State may at any time elect that the provisions of sub-paragraphs (a) to (f) of paragraph 5 of this Section shall apply in lieu of the provisions of this paragraph, and the provisions of sub-paragraphs (a) to (f) of paragraph 5 of this Section shall apply to claims made after the expiration of four months from the notification of that election to the sending State;
- (ii) the receiving State may at any time thereafter revoke the election aforesaid, and the provisions of this paragraph shall apply to claims made after the expiration of four months from the notification of that revocation to the sending State;
- (iii) the right of election accorded by this proviso may be exercised by the receiving State as many times as that State may think fit;
- (iv) the provisions of this paragraph shall not be interpreted as preventing the authorities of the sending State and the authorities of the receiving State from modifying by agreement the procedure to be applied in particular cases or particular classes of cases.

7.—(a) Claims against members of a force or civilian component arising out of tortious acts or omissions in the receiving State not done in the performance of official duty shall be dealt with in the following manner:—

- (i) The authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.
- (ii) The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.
- (iii) If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the authorities of the receiving State of their decision and of the sum paid.

(b) Nothing in sub-paragraph (a) of this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of a force or civilian component unless and until there has been payment in full satisfaction of the claim.

8. Claims arising out of the unauthorised use of any vehicle of the armed services of a sending State shall be dealt with in accordance with paragraph 7 of this Section, except in so far as the force or civilian component is legally responsible.

9. If a dispute arises as to whether a tortious act or omission of a member of a force or civilian component was done in the performance of official duty

or as to whether the use of any vehicle of the armed services of a sending State was unauthorised, the question shall be submitted to an arbitrator appointed in accordance with sub-paragraph (b) of paragraph 2 of this Section, whose decision on this point shall be final and conclusive.

10. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for members of a force or civilian component in respect of the civil jurisdiction of the courts of the receiving State except to the extent provided in sub-paragraph (g) of paragraph 5 of this Section.

11. The authorities of the sending State and of the receiving State shall co-operate in the procurement of evidence for a fair hearing and disposal of claims in regard to which the Contracting Parties are concerned.

12. This Section shall not apply to personnel employed by an authorised service organisation nor to claims by, or arising out of the acts or omissions of, such personnel.

13. This Section shall not apply to any claims arising between the Republic of Cyprus, Greece and Turkey nor to any claim, except a claim by or against the United Kingdom, arising out of the acts and omissions which take place within the territory of the Republic of Cyprus of the members of a force or civilian component of the Republic of Cyprus, Greece or Turkey.

14. Where the United Kingdom is the only Contracting Party involved as a sending State in claims made by United Kingdom personnel or their dependents, as defined in Part I of Annex B to this Treaty, not being nationals of, nor ordinarily resident in, the receiving State, the provisions of paragraphs 5 (except for sub-paragraph (g) of that paragraph), 6, 7, 8 and 9, of this Section shall not apply to such claims, which shall be dealt with exclusively by the authorities of the sending State.

SECTION 10

1. Where the legal incidence of any form of taxation in the receiving State depends upon residence or domicile, periods during which a member of a force or civilian component is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence therein, or as creating a change of residence or domicile for the purposes of such taxation. Members of a force or civilian component shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members, and authorised service organisations shall be exempt from taxation on their profits, turnover, commercial or other activities. Authorised service organisations, members of a force or civilian component shall be exempt from taxation in the receiving State on any tangible movable property, excluding private motor vehicles, the presence of which in the receiving State is due solely to their temporary presence there. This paragraph shall apply to taxation on such property, whether levied in respect of its ownership, possession, use or otherwise.

2. Nothing in this Section shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise, other than his employment as a member of a force or civilian component, in which he may engage in the receiving State, and, except as regards his salary

and emoluments and the tangible movable property referred to in paragraph 1, nothing in this Section shall prevent taxation to which, even if regarded as having his residence or domicile outside the territory of the receiving State, such a member is liable under the law of that State.

3. Nothing in this Section shall apply to "duty" as defined in paragraph 12 of Section 11 of this Annex.

4. For the purposes of this Section the term "member of a force" shall not include any person who is a national of the receiving State.

SECTION 11

1. Save as provided expressly to the contrary in this Annex, members of a force or civilian component as well as their dependents shall be subject to the laws and regulations administered by the customs authorities of the receiving State. In particular, the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles, and to seize articles pursuant to such laws and regulations.

2.—(a) The temporary importation and the re-exportation of service vehicles under their own power shall be authorised free of duty.

(b) The temporary importation of such vehicles not under their own power shall be governed by paragraph 4 of this Section and the re-exportation thereof by paragraph 8.

(c) Service vehicles shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents and secret equipment shall not be subject to customs inspection or seizure. Persons having in their custody official documents shall be in possession of a certificate which shows the number of despatches carried and certifies that they contain only official documents. Persons having in their custody secret equipment shall be in possession of a certificate that the item in question is secret equipment.

4.—(a) Subject to existing customs procedures or to customs procedures to be agreed between the sending and receiving States:—

- (i) A force may import free of duty its equipment and goods necessary for the operation of that equipment, and reasonable quantities of provisions, supplies and other goods which are provided for the exclusive use of members of a force, civilian component, dependents and authorised service organisations.
- (ii) An authorised service organisation may import free of duty equipment and goods for exclusive use in connexion with its official activities on condition that such equipment and goods are not disposed of in the Island of Cyprus except as provided in paragraph 8 below.
- (iii) Overseas contractors engaged in the execution of a project for a force or an authorised service organisation may import free of

duty their equipment and goods necessary for the operation of that equipment, provided that such equipment and goods are used exclusively on such a project.

- (iv) Contractors may receive a refund of duties paid by them on stores imported for the execution of a project for a force or an authorised service organisation, and proved to the satisfaction of the competent authority of the receiving State to have been incorporated or consumed in such a project.

(b) The Navy, Army and Air Force Institutes may import reasonable quantities of provisions, supplies and other goods, for its own exclusive use or consumption or for sale to members of a force and civilian component and dependents for their exclusive use or consumption, or to other authorised service organisations for the same purposes, under arrangements having the effect of relieving those persons and authorised service organisations (including the Navy, Army and Air Force Institutes) from the incidence of import duty.

(c) The exemptions granted by this paragraph shall not apply to agricultural produce of which there is an adequate local supply of a satisfactory standard and price. There shall be consultation between the authorities of the sending and receiving States before any withdrawal, pursuant to this sub-paragraph, of exemptions.

5. Members of a force or civilian component may, at the time of their first arrival to take up service in the receiving State and at the time of the first arrival of any dependents to join them, import their personal effects and furniture free of duty for the term of such service. Arrangements shall be made, with a view to avoiding abuse of this privilege, between the receiving and sending States concerning exemption from duty of gifts sent by post to members of a force or civilian component or dependents.

6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this paragraph to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. Imports made by the authorities of a force other than for the exclusive use of that force and its civilian component, dependents and authorised service organisations, and imports, other than those dealt with in paragraphs 5 and 6 of this Section, effected by members of a force or civilian component, dependents and authorised service organisations are not, by reason of this Section, entitled to any exemption from duty or other conditions.

8. Goods (including equipment), which have been imported free of duty under paragraphs 2 (b), 4, 5 or 6 of this Section, may be re-exported freely but shall not normally be disposed of in the receiving State by way of either sale or gift except to an authorised service organisation, other members of the same force or civilian component or dependents; however, in particular cases such disposal may be authorised on conditions imposed by the authorities concerned of the receiving State (for instance, on payment of duty and tax and compliance with the requirements of the controls of trade and exchange). The sending State shall comply with reasonable requests of the authorities of the receiving State for the notification of sales or gifts of specified classes of articles under this paragraph.

9. Goods purchased in the receiving State may be exported therefrom only in accordance with the regulations in force in the receiving State.

10. Special arrangements for entry into the territory of the receiving State shall be granted by the Customs authorities of the receiving State to regularly constituted units or formations of a sending State.

11. The receiving State shall make arrangements so that fuel, oil and lubricants for use in service vehicles and in aircraft and vessels of a force (including aircraft and vessels on charter for the service of a force) may be delivered free of all duties and taxes.

12. In paragraphs 1 to 10 of this Section—

- (a) "Duty" means customs duties and all other duties and taxes payable on importation or exportation, as the case may be, except dues and taxes which are no more than charges for services rendered;
- (b) "importation" includes withdrawal from customs warehouses or continuous customs custody, provided that the goods concerned have not been grown, produced or manufactured in the receiving State.

SECTION 12

1. Members of a force or civilian component and dependents, and authorised service organisations, shall remain subject to the foreign exchange regulations of the sending State, but as regards acts done in the territory of the receiving State shall also be subject to the exchange control regulations of the receiving State in force from time to time.

2. Remittances between the receiving State and the State to which a force or authorised service organisation or a member of a force or civilian component belongs shall be freely permitted in respect of—

- (a) funds derived by members of the force or civilian component from services or employment in connexion with their official duties as such;
- (b) funds belonging to an authorised service organisation and derived from its recognised commercial and other activities; and
- (c) funds derived by members of the force or civilian component or dependents or by an authorised service organisation from sources outside the receiving State, subject to the regulations of the country to which the force belongs:

Provided that funds remitted into the receiving State may be freely remitted back only to the country from which they originally came or, with the consent of the authorities of the receiving State, to some other country.

3. The preceding paragraphs of this Section shall not preclude the transmission into or outside the receiving State of foreign exchange instruments representing the official funds of a force.

4. This Section shall not apply to a member of a force or a dependent who is a national of the receiving State.

SECTION 13

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Annex, require such conditions to be observed as they may deem necessary to prevent abuse.

2. The Customs or fiscal authorities of the receiving State may refuse any exemption provided for by this Annex in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

SECTION 14

1. In order to prevent offences against customs and fiscal laws and regulations, the authorities of the receiving and of the sending States shall assist each other in the conduct of enquiries and the collection of evidence.

2. The authorities of a force shall render all assistance within their power to ensure that articles liable to seizure by or on behalf of the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or dependents.

4. Service vehicles and articles belonging to a force or an authorised service organisation, but not to a member of that force, seized by the authorities of the receiving State in connexion with an offence against its customs or fiscal laws or regulations shall be handed over as soon as possible to the appropriate authorities of the force concerned.

SECTION 15

A member of a force or civilian component or a dependent shall not be subject to any legislation in the territory of the receiving State relating to liability for compulsory service of any kind.

SECTION 16

In connexion with the matters dealt with in Sections 3, 11 and 12 of this Annex, a member of a force or civilian component or a dependent shall be permitted to make use of any frontier arrangements from time to time in force which apply for the benefit of civilians generally between the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area and the territory of the Republic of Cyprus.

SECTION 17

The provisions of this Annex shall not be applied in such a way as to frustrate or impair the rights conferred in and under Annex B to this Treaty.

ANNEX D

SECTION 1

For the purposes of this Annex :—

- (a) “The agreed date” means [insert a date six months after the date* of this Treaty];
- (b) “Colony”, “protectorate”, “protected State” and “United Kingdom trust territory” refer to territories which have that status immediately after the entry into force of this Treaty for the purpose of the application of the nationality law of the United Kingdom;
- (c) “The date of this Treaty” means the date on which this Treaty enters into force;
- (d) A person born before the agreed date aboard a registered ship or aircraft or aboard an unregistered ship or aircraft of the Government of any country shall be regarded as having been born in the place in which the ship or aircraft was registered, or, as the case may be, in that country;
- (e) It is understood that a person shall not be regarded as having ceased to be ordinarily resident in a country if it can be shown to the satisfaction of the authorities concerned that his absence from that country was temporary and for the purpose of receiving medical treatment or education.

SECTION 2

1. Any citizen of the United Kingdom and Colonies who on the date of this Treaty possesses any of the qualifications specified in paragraph 2 of this Section shall on that date become a citizen of the Republic of Cyprus if he was ordinarily resident in the Island of Cyprus at any time in the period of five years immediately before the date of this Treaty.

2. The qualifications referred to in paragraph 1 of this Section are that the person concerned is—

- (a) a person who became a British subject under the provisions of the Cyprus (Annexation) Orders in Council, 1914 to 1943; or
- (b) a person who was born in the Island of Cyprus on or after the 5th of November, 1914; or
- (c) a person descended in the male line from such a person as is referred to in sub-paragraph (a) or (b) of this paragraph.

3. Any citizen of the United Kingdom and Colonies born between the date of this Treaty and the agreed date shall become a citizen of the Republic of Cyprus at the date of his birth if his father becomes such a citizen under this Section or would but for his death have done so.

SECTION 3

1. Any citizen of the United Kingdom and Colonies who on the date of this Treaty (or, in the case of a person born between that date and the agreed

* Note : date to be inserted later.

date, who on the date of his birth) possesses any of the qualifications specified in paragraph 2 of Section 2 of this Annex shall on the agreed date cease to be a citizen of the United Kingdom and Colonies unless he possesses any of the qualifications specified in paragraph 2 of this Section.

2. The qualifications referred to in paragraph 1 of this Section are that the person concerned is—

- (a) a person born outside the Island of Cyprus in the United Kingdom or in a colony; or
- (b) a person naturalised in the United Kingdom and Colonies; or
- (c) a person who was registered as a citizen of the United Kingdom and Colonies; or
- (d) a person who became a British subject by reason of the annexation of any territory included in a colony outside the Island of Cyprus; or
- (e) a person whose father or father's father is or was such a person as is referred to in sub-paragraph (a), (b), (c) or (d) of this paragraph; or
- (f) a person born in a protectorate, protected State or United Kingdom trust territory; or
- (g) a person whose father or father's father was born in a protectorate, protected State or United Kingdom trust territory and was at any time a British subject; or
- (h) a person who was born on or after the 1st of January, 1949, and whose father was, or would but for his death have been, a British subject without citizenship at the date of that person's birth and immediately before the date of this Treaty; or
- (i) a person who was born before the 1st of January, 1949, and whose father was, or would but for his death have been, a British subject at the date of that person's birth and a British subject without citizenship immediately before the date of this Treaty; or
- (j) a person who was immediately before the date of this Treaty ordinarily resident in the United Kingdom or in a colony, protectorate, protected State or United Kingdom trust territory or in the territory of any country within the British Commonwealth of Nations then having separate citizenship from that of the United Kingdom and Colonies or any dependency of that territory; or
- (k) a person who was born between the date of this Treaty and the agreed date and whose father was a citizen of the United Kingdom and Colonies who was immediately before the date of this Treaty (or, if he was dead at that date, then at the date of his death) ordinarily resident in any country or territory referred to in sub-paragraph (j) of this paragraph.

SECTION 4

1. A person who immediately before the date of this Treaty was a citizen of the United Kingdom and Colonies and possessed any of the qualifications specified in paragraph 2 of Section 2 of this Annex but does not under that Section become a citizen of the Republic of Cyprus shall be entitled, on

application to the appropriate authority of the Republic of Cyprus, to be granted on or after the agreed date citizenship of the Republic of Cyprus if—

- (a) he was immediately before the date of this Treaty ordinarily resident in any country or territory specified in sub-paragraph (j) of paragraph 2 of Section 3 of this Annex; or
- (b) he was immediately before that date ordinarily resident in Greece or Turkey; or
- (c) he was immediately before that date ordinarily resident elsewhere than in a country or territory mentioned in sub-paragraphs (a) and (b) of this paragraph, and became or may become stateless by reason of this Annex.

2. A person of Cypriot origin who immediately before the date of this Treaty was not a citizen of the United Kingdom and Colonies shall be entitled, on application to the appropriate authority of the Republic of Cyprus, to be granted on or after the agreed date citizenship of the Republic of Cyprus. For the purpose of this paragraph, "a person of Cypriot origin" means a person who was, on the 5th of November, 1914, an Ottoman subject ordinarily resident in the Island of Cyprus or who is descended in the male line from such a person.

3. A woman who was married before the date of this Treaty to a person who is entitled to make an application for citizenship of the Republic of Cyprus under paragraph 1 or 2 of this Section and is making or has made such an application shall be entitled, on application during the subsistence of the marriage made to the appropriate authority of the Republic of Cyprus, to be granted on or after the agreed date citizenship of the Republic of Cyprus.

4. A woman who is a citizen of the United Kingdom and Colonies and was married before the date of this Treaty to a person possessing any of the qualifications specified in paragraph 2 of Section 2 of this Annex but whose marriage has been terminated by death or divorce shall be entitled, on application to the appropriate authority of the Republic of Cyprus, to be granted on or after the agreed date citizenship of the Republic of Cyprus if at the date of this Treaty any of the conditions specified in sub-paragraph (a), (b) or (c) of paragraph 1 of this Section were satisfied in the case of her husband (or, if the marriage was terminated before the date of this Treaty, then in her case).

5. A woman who was married before the date of this Treaty to a person of Cypriot origin within the meaning of paragraph 2 of this Section not being a citizen of the United Kingdom and Colonies but whose marriage has been terminated by death or divorce shall be entitled, on application to the appropriate authority of the Republic of Cyprus, to be granted on or after the agreed date citizenship of the Republic of Cyprus.

6. A person born between the date of this Treaty and the agreed date shall be entitled, on application to the appropriate authority of the Republic of Cyprus, to be granted on or after the agreed date citizenship of the Republic of Cyprus if either of his parents is entitled to make an application for such citizenship under paragraphs 1 to 5 of this Section and is making or has made such an application.

7.—(a) Subject to paragraph 8 of this Section, the number of applications which may be granted under paragraphs 1 to 6 of this Section on the basis of such residence as is referred to in sub-paragraph (a) or (b) of paragraph 1 or on the basis of Cypriot origin as referred to in paragraph 2 of this Section shall be limited in each calendar year to the numbers given in the Table below in respect of each class of applicants. Applications shall be granted up to the full number given in each space in that Table in respect of applicants of each class irrespective of the number of applications made by or granted to applicants of any other class.

TABLE

Application	Column A Persons who are to become members of the Greek Community including those persons who are to be associated with it	Column B Persons who are to become members of the Turkish Community
I On the basis of such residence as is referred to in sub-paragraph (a) of paragraph 1	1,200	300
II On the basis of such residence as is referred to in sub-paragraph (b) of paragraph 1	160	40
III On the basis of such Cypriot origin as is referred to in paragraph 2	560	140

(b) The numbers in the Table above may be altered for any year by agreement between the President and Vice-President of the Republic of Cyprus.

(c) If, in any year, the number of persons who become members of the Greek community, having been granted citizenship of the Republic of Cyprus under sub-paragraph (c) of paragraph 1 of this Section and having taken up permanent residence in the Republic of Cyprus, exceeds the number required to maintain the ratio of 4 to 1 between the number of such persons and the number of persons who become members of the Turkish community, having been granted citizenship of the Republic of Cyprus under that sub-paragraph and having taken up permanent residence in the Republic of Cyprus, the excess shall be set-off in the immediately following one or more years, as may be required, against the total number in Column A in the Table in sub-paragraph (a) of this paragraph.

(d) If, in any year, the number of persons who become members of the Turkish community, having been granted citizenship of the Republic of Cyprus under sub-paragraph (c) of paragraph 1 of this Section and having taken up permanent residence in the Republic of Cyprus, exceeds the number required to maintain the ratio of 1 to 4 between the number of such persons and the number of persons who become members of the Greek community, having been granted citizenship of the Republic of Cyprus under that sub-paragraph and having taken up permanent residence in the Republic of Cyprus, the excess shall be set-off in the immediately following one or more years, as may be required, against the total number in Column B in the Table in sub-paragraph (a) of this paragraph.

8. The provisions of paragraph 7 of this Section shall not apply to an application made under paragraph 2 of this Section by a person born in the Island of Cyprus who was ordinarily resident there for the period of twenty years immediately before the date of this Treaty or by the wife of such a person.

9. Section 3 of this Annex shall not apply to such a person as is mentioned in sub-paragraph (b) of paragraph 1 of this Section if loss of citizenship of the United Kingdom and Colonies under Section 3 of this Annex would render him stateless.

10. Notwithstanding Section 3 of this Annex, the United Kingdom may provide that the citizenship of the United Kingdom and Colonies of persons who may become stateless on the agreed date by the operation of that Section may continue to subsist until [insert a date six months after the agreed date.] Where a child is born to such a person during such subsistence of citizenship of the United Kingdom and Colonies, paragraph 6 of this Section shall apply to that child as if he had been born before the agreed date.

11. Applications to the appropriate authority of the Republic of Cyprus pursuant to sub-paragraph (c) of paragraph 1 of this Section may be made on or after [insert a date three months before the agreed date.]

12. Applications under this Section shall be dealt with in the order in which they are received; and any application which cannot be granted by reason of paragraph 7 of this Section in any calendar year, or which is received too late to be dealt with in that year, shall be dealt with in the following calendar year as part of the number authorised for that year and before the applications received in that year.

13. An application under this Section may be made on behalf of a child who has not attained the age of sixteen years by any person who satisfies the appropriate authority that he is the father or guardian of the child.

14. A citizen of the United Kingdom and Colonies who becomes a citizen of the Republic of Cyprus under this Section shall thereupon cease to be a citizen of the United Kingdom and Colonies. The United Kingdom may provide that any person who loses citizenship of the United Kingdom and Colonies under this paragraph as a result of an application made on his behalf under paragraph 13 of this Section shall be entitled to resume that citizenship after he attains the age of 21 years.

15. Particulars of every grant of citizenship under this Section to a person who is a citizen of the United Kingdom and Colonies shall be notified by the Government of the Republic of Cyprus to the Government of the United Kingdom.

SECTION 5

1. Any citizen of the United Kingdom and Colonies shall be entitled, on application to the appropriate authority of the Republic of Cyprus not later than 12 months after the agreed date, to be granted on or after the agreed date citizenship of the Republic of Cyprus if he satisfies the authority that he possesses any of the qualifications specified in paragraph 2 of this Section and was ordinarily resident in the Island of Cyprus at any time in the period of five years immediately before the date of this Treaty.

2. The qualifications referred to in paragraph 1 of this Section are that the person concerned is—

- (a) a person who was granted a certificate of naturalisation by the Governor of Cyprus, or whose name was included in such a certificate; or
- (b) a person who was registered as a citizen of the United Kingdom and Colonies (otherwise than on the ground of marriage to such a citizen) by the Governor of Cyprus; or
- (c) a person descended in the male line from such a person as is referred to in sub-paragraph (a) or (b) of this paragraph.

3. A citizen of the United Kingdom and Colonies born between the date of this Treaty and the agreed date shall be entitled, on application to the appropriate authority of the Republic of Cyprus not later than 12 months after the agreed date, to be granted citizenship of the Republic of Cyprus if—

- (a) his father is entitled to make an application for citizenship of the Republic of Cyprus under this Section and is making or has made such an application; or
- (b) his mother is entitled to make an application for citizenship of the Republic of Cyprus under paragraph 2 of Section 6 of this Annex by virtue of the fact that his father possessed any of the qualifications specified in paragraph 2 of this Section and she is making or has made such an application.

4. An application under this Section may be made on behalf of a child who has not attained the age of 16 years by any person who satisfies the appropriate authority that he is the father or guardian of the child.

5. A person who becomes a citizen of the Republic of Cyprus under this Section shall thereupon cease to be a citizen of the United Kingdom and Colonies. The United Kingdom may provide that a person who loses citizenship of the United Kingdom and Colonies under this paragraph as a result of an application made on his behalf under paragraph 4 of this Section shall be entitled to resume that citizenship after he attains the age of 21 years.

6. Particulars of every grant of citizenship of the Republic of Cyprus under this Section shall be notified by the Government of the Republic of Cyprus to the Government of the United Kingdom.

SECTION 6

1. A woman who is a citizen of the United Kingdom and Colonies and was married before the date of this Treaty to a person who becomes a citizen of the Republic of Cyprus under Section 2 or 5 of this Annex shall be entitled, upon application to the appropriate authority of the Republic of Cyprus during the subsistence of the marriage and not later than one year after the date when her husband becomes such a citizen, to be granted on or after the agreed date citizenship of the Republic of Cyprus.

2. A woman who is a citizen of the United Kingdom and Colonies and was married before the date of this Treaty to a person possessing any of the qualifications specified in paragraph 2 of Section 2 or in paragraph 2 of Section 5 of this Annex, but whose marriage has been terminated by death or divorce shall be entitled, upon application to the appropriate authority of the Republic of Cyprus not later than two years after the agreed date, to be granted on or after the agreed date citizenship of the Republic of Cyprus if either of the conditions specified in paragraph 3 of this Section is satisfied in her case.

3. The conditions referred to in paragraph 2 of this Section are—

- (a) that, at any time in the period of five years immediately before the date of this Treaty and during the subsistence of the marriage, the husband of the woman concerned was ordinarily resident in the Island of Cyprus; or
- (b) that, at any time in the period of five years aforesaid and after the termination of the marriage, the woman concerned was ordinarily resident in the Island of Cyprus.

4. A woman who acquires citizenship of the Republic of Cyprus under this Section shall thereupon cease to be a citizen of the United Kingdom and Colonies.

5. Particulars of every grant of citizenship of the Republic of Cyprus under this Section shall be notified by the Government of the Republic of Cyprus to the Government of the United Kingdom.

6. A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be a citizen of the United Kingdom and Colonies under any provision of this Annex unless her husband ceases to be such a citizen under this Annex.

SECTION 7

Any person who ceases to be a citizen of the United Kingdom and Colonies under Section 3 of this Annex shall, until the expiration of a period of two years after the agreed date, have the same right to acquire citizenship of the United Kingdom and Colonies by registration as if he were a British subject who is not a citizen of the United Kingdom and Colonies.

SECTION 8

The Republic of Cyprus shall provide that any citizen of the Republic of Cyprus who has attained the age of 21 years (or is a woman who has been married) and is not of unsound mind and also possesses the nationality or citizenship of another country is entitled to renounce citizenship of the Republic of Cyprus by declaration made to the appropriate authority; but, during any period when the Republic of Cyprus is at war, this right may be made subject to the consent of the appropriate authority.

ANNEX E

SECTION 1

1. Save as provided in Annex B to this Treaty and in the next following paragraph, all property of the Government of the Colony of Cyprus shall on the date of entry into force of this Treaty become, subject to the provisions of the Constitution of the Republic of Cyprus, the property of the Republic of Cyprus.

2. Save as provided in Annex B to this Treaty, the following property of the Government of the Colony of Cyprus shall on that date become the property of the appropriate authorities of the United Kingdom, that is to say—

- (a) immovable property situate in the Akrotiri Sovereign Base Area or the Dhekelia Sovereign Base Area;
- (b) tangible movable property which normally is in the Akrotiri Sovereign Base Area or the Dhekelia Sovereign Base Area;
- (c) intangible movable property which is necessary for the enjoyment of or otherwise relates to any property specified in sub-paragraph (a) or (b) of this paragraph or which relates to any other immovable property situate in the Akrotiri Sovereign Base Area or the Dhekelia Sovereign Base Area, to the extent that it so relates.

3. The transfer of property under this Section shall not affect the rights of other persons or groups of persons in respect of that property.

4. In this Section :—

(a) “property” means—

(i) property, whether movable or immovable, tangible or intangible;
and

(ii) rights of every description;

(b) a reference to specific property includes a reference to rights in, over, or related to that property; and

(c) “property of the Government of the Colony of Cyprus” means property vested in that Government or in Her Britannic Majesty for the purposes of that Government or in some other person or authority on behalf of that Government immediately before the date of entry into force of this Treaty. It is understood that the property of public utility corporations does not fall within this sub-paragraph.

SECTION 2

1. Save as provided in Annex B to this Treaty and in the next following paragraph, and except in so far as special arrangements may have been made before the date of entry into force of this Treaty to discharge certain such liabilities, all legal liabilities and obligations incurred by or on behalf of the Government of the Colony of Cyprus and subsisting immediately before the date of entry into force of this Treaty shall have effect as from that date as if they were incurred by or on behalf of the Republic of Cyprus.

2. Save as provided in Annex B to this Treaty, legal liabilities and obligations incurred by or on behalf of the Government of the Colony of Cyprus and subsisting as aforesaid shall, to the extent that they were incurred in relation to property which passes to the United Kingdom under this Annex, take effect as from the date aforesaid as if they were incurred by or on behalf of the United Kingdom.

3. In this Section, "legal liabilities and obligations incurred by or on behalf of the Government of the Colony of Cyprus"

(a) means—

- (i) any liability or obligation which, at the time when it was incurred, would, under the law of the Colony of Cyprus, have been enforceable by an action against the Crown in right of the Government of that Colony, whether or not it would have been enforceable without the consent of the Governor of the Colony; and
- (ii) any liability or obligation which, at the time when it was incurred, gave rise, under the law of the Colony of Cyprus, to a cause of action in tort against a servant of the Crown in right of the Government of that Colony and in respect of which the Crown would, in practice, have stood behind that servant for the purpose of satisfying any judgment against him; and

(b) includes any obligations undertaken by the Government of the Colony of Cyprus in respect of—

- (i) annual payments to the authority for the time being responsible for the *Evcaf* Office and *vakfs*, made under and in accordance with legislation in force immediately before the date of entry into force of this Treaty, for or in respect of the abolition of *vakfs idjaretein* and *arazi mevkoufe takhsisat*; and
- (ii) loans made by the Government of the United Kingdom under certain United Kingdom statutes, namely, the Colonial Development and Welfare Acts, 1940 to 1959, and the Colonial Development and Welfare Act, 1959.

SECTION 3

Nothing in this Treaty contained shall preclude any person from claiming through the court any remedy to which he may have been entitled immediately before the date of entry into force of this Treaty in respect of any *chiftlik* compulsorily acquired by or on behalf of the Government of the Colony of Cyprus. Nothing in this Section shall be construed as giving any right of action against the Government of the United Kingdom.

SECTION 4

Nothing in Sections 1 and 2 of this Annex shall prevent the conclusion of any special agreement or arrangement by the Republic of Cyprus and the United Kingdom with respect to the transfer or apportionment of any

particular property, liability or obligation that was immediately before the date of entry into force of this Treaty property or a liability or obligation of the Government of the Colony of Cyprus.

SECTION 5

The arrangements concerning the pensions and other rights of or in respect of certain public officers who prior to the date of entry into force of this Treaty were or had been in the public service of the Colony of Cyprus, and concerning the conditions of service, pensions and other rights of and in respect of certain public officers who continue on or after that date to serve in the public service of the Republic of Cyprus shall be those set out in the Schedule to this Annex.

SCHEDULE OF ARRANGEMENTS RELATING TO CERTAIN PUBLIC OFFICERS

With reference to Section 5 of Annex E to this Treaty the matters referred to in that Section are set out in this Schedule.

1.—(1) References in this Schedule to an officer are references to a person who, before the date of this Treaty, was the substantive holder of a pensionable office in the public service of the Colony of Cyprus, being a person—

- (a) who was selected for or offered appointment to the public service of the Colony of Cyprus by a Secretary of State; or
- (b) whose appointment was approved by a Secretary of State; or
- (c) who was appointed under an agreement with the Crown Agents for Oversea Governments and Administrations to service in any such office; or
- (d) who, although not a person falling within sub-paragraph (a), (b) or (c) of this paragraph, is or has been a member of Her Majesty's Oversea Civil Service or Her Majesty's Overseas Judiciary or has been an officer in the public service of the Colony of Cyprus and has been granted retiring benefits under the Cyprus (Retiring Provisions) Order in Council, 1960, as amended by the Cyprus (Retiring Provisions) (Amendment) Order in Council, 1960.

(2) In this Schedule:—

“pension” means—

- (a) any pension, gratuity, or similar retiring allowance payable by the Republic of Cyprus to or in respect of any officer, including any increase of pension, and any retiring benefits due under the Cyprus (Retiring Provisions) Order in Council, 1960, as amended by the Cyprus (Retiring Provisions) (Amendment) Order in Council, 1960; and
- (b) any pension payable to the widow or child of an officer and any contributions repayable and interest payable to an officer under any law providing for payment of pensions to widows and children of officers;

“substantive holder” in relation to an office includes a person serving in that office on probation;

“the date of this Treaty” means the date on which this Treaty enters into force;

“Constitution of the Republic of Cyprus” means the Constitution of the Republic of Cyprus in force on the date of this Treaty.

2.—(1) An officer who continues to serve in the public service of the Republic of Cyprus on or after the date of this Treaty, or who immediately before that date, being in the public service of the Colony of Cyprus, was on leave prior to transfer or retirement, shall have the rights relating to terms and conditions of service prescribed in paragraphs 1, 6 and 7 of Article 192 of the Constitution of the Republic of Cyprus.

(2) The Public Service Commission established by the public service provisions of the Constitution of the Republic of Cyprus shall exercise, in respect of an officer who continues to serve in the public service of the Republic of Cyprus on or after the date of this Treaty, the duties imposed upon the Commission by such provisions on equal terms with other public officers.

3. Paragraphs 1, 6 and 7 of Article 192, Article 193 and Article 194 of the Constitution of the Republic of Cyprus shall apply to the eligibility and right to receive a pension—

(a) of an officer who continues to serve in the public service of the Republic of Cyprus on and after the date of the coming into operation of the Constitution, or who immediately before that date, being in the public service of the Colony of Cyprus, was on leave prior to transfer or retirement, and of the widow, children, dependents, and personal representatives of such officer; and

(b) of a person who has been and has ceased to be in the public service of the Colony of Cyprus before the coming into operation of the Constitution, and of the widow, children, dependents, or personal representatives of such person;

and pensions to such officers and other persons shall be granted and paid accordingly.

4.—(1) Pensions paid outside the Island of Cyprus on or after the date of this Treaty shall be paid in sterling and shall be calculated at the official rate of exchange prevailing on the date of this Treaty between the pound sterling and the currency in use in the Republic of Cyprus notwithstanding any variation in that rate:

Provided that if there is a general revision of salaries consequent upon a revaluation of the currency of the Republic of Cyprus as a result of which the pensionable emoluments of an officer may be increased, the Government of the Republic of Cyprus may require that officer to agree that any pension that may be granted to him shall be calculated at the rate of exchange prevailing at the date of the salaries revision before granting him the benefit of the increase of pensionable emoluments.

(2) Every pensioner who has been granted or is being paid a pension before the date of this Treaty shall exercise within one year after that date an option as to whether his pension and any pension that may in due course become payable to his widow, children, dependents or personal representatives shall be paid in the Island of Cyprus or outside the Island of Cyprus:

Provided that where no option is exercised by an officer who is being paid a pension within one year after that date an option shall be deemed to have been exercised for the payment of the pension either in the Island of Cyprus or outside the Island of Cyprus according to where it was being paid on that date.

(3) Every officer eligible for a pension who retires on or after the date of this Treaty shall exercise before the award of his pension or within one year after the date of this Treaty, whichever is the later, an option as to whether his pension, and any pension that may become payable to his widow, children, dependents or personal representatives, shall be paid in the Island of Cyprus or outside the Island of Cyprus.

(4) Where, upon the death of any person, a pension becomes payable to his widow, children or any dependent, or to his personal representatives, an option as to whether the pension shall be paid in the Island of Cyprus or outside the Island of Cyprus—

- (a) may be exercised, within one year after the death of that person, by the pensioner; and
- (b) shall, if so exercised, be substituted for the option (if any) exercised by that person under sub-paragraph (2) or sub-paragraph (3) of this paragraph.

(5) Where an option is exercised in accordance with this paragraph for the payment in sterling of a pension outside the Island of Cyprus, the pension may be paid anywhere outside the Island of Cyprus, according as the pensioner by notice in writing may from time to time request, or, if the pensioner becomes resident in the Island of Cyprus and so requests by notice in writing, may be paid in the Island of Cyprus.

(6) An option exercised in accordance with this paragraph—

- (a) shall be exercised by notice in writing; and
- (b) shall be deemed to have been exercised on the date on which the notice is received.

(7) In this paragraph, “pensioner” means the person entitled to the payment of a pension or, if that person is a minor, means his or her lawful guardian.

(8) This paragraph shall apply only to officers as described in sub-paragraphs (1) (a), (1) (b) and (1) (c) of paragraph 1 of this Schedule who have before the date of this Treaty retired or transferred or been required or granted permission to retire or transfer, as the case may be, from the public service of the Colony of Cyprus, and to the widows, children, dependents and personal representatives of such officers.

ANNEX F

PART I

SECTION 1

The United Kingdom and the Republic of Cyprus recognise that the establishment of customs barriers on the boundaries between the Sovereign Base Areas and the territory of the Republic of Cyprus ought to be avoided and agree to establish customs arrangements accordingly.

SECTION 2

Goods which have once been charged with duty or tax or exempted therefrom in the Sovereign Base Areas or in the territory of the Republic of Cyprus shall not be subject to any further duty or tax of a like nature by reason of any subsequent transfer between the Sovereign Base Areas and the territory of the Republic of Cyprus.

SECTION 3

1. The United Kingdom shall, save as may otherwise be agreed with the Republic of Cyprus, apply in relation to the Sovereign Base Areas the same duties, prohibitions and restrictions on the import and export of goods and the same taxes on goods as those applied by the Republic of Cyprus.

2. Paragraph 1 of this Section shall, however, not require the United Kingdom to take any action which would conflict with pre-existing obligations of the United Kingdom under international agreements. The United Kingdom shall take action immediately to terminate such conflicting obligations as soon as possible.

SECTION 4

The Republic of Cyprus shall be entitled at ports, airports and other places of entry within its territory to collect duties payable on goods consigned to or exported from the Sovereign Base Areas and shall be entitled to retain for its use all duties so collected.

SECTION 5

1. No duty, prohibition or restriction on the import of goods and no tax shall be applied to goods imported or cleared by, or on behalf of, the United Kingdom authorities exclusively for official or military purposes in the Sovereign Base Areas or on the export of such goods.

2. Goods imported into the Sovereign Base Areas for official or military purposes which become surplus to requirements for those purposes shall not be disposed of within the Island of Cyprus except—

- (a) in accordance with such conditions as may be agreed between the United Kingdom authorities and the authorities of the Republic of Cyprus; or

- (b) by way of export; or
- (c) by way of either sale or gift to an authorised service organisation, or to United Kingdom personnel or their dependents.

SECTION 6

The Republic of Cyprus shall not apply any duty, prohibition or restriction on the import or export of goods or any tax on goods which is discriminatory against the United Kingdom authorities, United Kingdom personnel, their dependents, contractors or sutlers.

SECTION 7

1. Such privileges and exemptions as apply under Annex C to this Treaty in relation to the United Kingdom personnel, their dependents and contractors specified in that Annex in the territory of the Republic of Cyprus shall be applied in relation to United Kingdom personnel, their dependents and contractors in the Sovereign Base Areas.

2. The provisions of Annex C to this Treaty with respect to the disposal of goods apply to goods imported free of duty in accordance with paragraph 1 of this Section as they apply to goods imported in accordance with that Annex.

SECTION 8

A Committee consisting of three representatives of the Government of the United Kingdom and three representatives of the Government of the Republic of Cyprus shall be established to keep under review the operation of this Part of this Annex and to make recommendations to the two Governments as regards in particular—

- (a) the concerting of measures against smuggling and other evasions of such duties and taxes;
- (b) the co-operation between the authorities of the Sovereign Base Areas and the customs service of the Republic of Cyprus; and
- (c) any question or difficulty that may arise over the operation of this Part of this Annex.

SECTION 9

The Committee established under Section 8 of this Part of this Annex shall also keep under review, and make recommendations to the two Governments in respect of, the operation of paragraph 4 of Section 11 of Annex C to this Treaty and any arrangements which may be concluded or procedures which may be agreed between the two Governments as to customs matters affecting authorised service organisations in the Island of Cyprus.

SECTION 10

Paragraph 4 of Section 9 of Part II of Annex B and paragraph 3 of Section 11 of Annex C to this Treaty shall apply to matters dealt with in this Part of this Annex as they apply to matters dealt with in those Annexes.

SECTION 11

Nothing in this Part of this Annex shall affect or prejudice the privileges and exemptions conferred by Annex B and Annex C to this Treaty.

SECTION 12

For the purposes of this Part of this Annex:—

- (a) “Goods” includes tangible movable property of every kind;
- (b) “United Kingdom authorities”, “United Kingdom personnel”, “authorised service organisations”, “dependents”, “contractors” and “sutlers” have the same meanings as those expressions have for the purposes of Annex B to this Treaty;
- (c) “The Sovereign Base Areas” means the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area;
- (d) “Duty” and “importation” have the meanings assigned to them by paragraph 12 of Section 11 of Annex C to this Treaty.

SECTION 13

Nothing in this Part of this Annex shall prevent the conclusion of any special agreement or arrangement between the Government of the United Kingdom and the Government of the Republic of Cyprus with respect to any of the matters covered by this Part of this Annex.

ANNEX F

PART II

The Republic of Cyprus shall, by agreement on appropriate terms, accord most-favoured-nation treatment to the United Kingdom, Greece and Turkey in connexion with all agreements whatever their nature. This paragraph shall not apply to the rights of the United Kingdom under this Treaty.

APPENDIX B

DRAFT TREATY OF GUARANTEE

The Republic of Cyprus of the one part, and Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland of the other part,

- I. Considering that the recognition and maintenance of the independence, territorial integrity and security of the Republic of Cyprus, as established and regulated by the Basic Articles of its Constitution, are in their common interest,
- II. Desiring to co-operate to ensure respect for the state of affairs created by that Constitution,

Have agreed as follows:—

ARTICLE I

The Republic of Cyprus undertakes to ensure the maintenance of its independence, territorial integrity and security, as well as respect for its Constitution.

It undertakes not to participate, in whole or in part, in any political or economic union with any State whatsoever. It accordingly declares prohibited any activity likely to promote, directly or indirectly, either union with any other State or partition of the Island.

ARTICLE II

Greece, Turkey and the United Kingdom, taking note of the undertakings of the Republic of Cyprus set out in Article I of the present Treaty, recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution.

Greece, Turkey and the United Kingdom likewise undertake to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the Island.

ARTICLE III

The Republic of Cyprus, Greece and Turkey undertake to respect the integrity of the areas retained under United Kingdom sovereignty at the time of the establishment of the Republic of Cyprus, and guarantee the use and enjoyment by the United Kingdom of the rights to be secured to it by the Republic of Cyprus in accordance with the Treaty concerning the Establishment of the Republic of Cyprus signed at Nicosia on to-day's date.

ARTICLE IV

In the event of a breach of the provisions of the present Treaty, Greece, Turkey and the United Kingdom undertake to consult together with respect to the representations or measures necessary to ensure observance of those provisions.

In so far as common or concerted action may not prove possible, each of the three guaranteeing Powers reserves the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty.

ARTICLE V

The present Treaty shall enter into force on the date of signature. The original texts of the present Treaty shall be deposited at Nicosia.

The High Contracting Parties shall proceed as soon as possible to the registration of the present Treaty with the Secretariat of the United Nations, in accordance with Article 102 of the Charter of the United Nations.

APPENDIX C

DRAFT TREATY OF ALLIANCE

The Republic of Cyprus, Greece and Turkey,

I. In their common desire to uphold peace and to preserve the security of each of them,

II. Considering that their efforts for the preservation of peace and security are in conformity with the purposes and principles of the United Nations Charter,

Have agreed as follows :—

ARTICLE I

The High Contracting Parties undertake to co-operate for their common defence and to consult together on the problems raised by that defence.

ARTICLE II

The High Contracting Parties undertake to resist any attack or aggression, direct or indirect, directed against the independence or the territorial integrity of the Republic of Cyprus.

ARTICLE III

For the purpose of this alliance, and in order to achieve the object mentioned above, a Tripartite Headquarters shall be established on the territory of the Republic of Cyprus.

ARTICLE IV

Greece and Turkey shall participate in the Tripartite Headquarters so established with the military contingents laid down in Additional Protocol No. 1 annexed to the present Treaty.

The said contingents shall provide for the training of the army of the Republic of Cyprus.

ARTICLE V

The Command of the Tripartite Headquarters shall be assumed in rotation, for a period of one year each, by a Cypriot, Greek and Turkish General Officer, who shall be appointed respectively by the Governments of Greece and Turkey and by the President and the Vice-President of the Republic of Cyprus.

ARTICLE VI

The present Treaty shall enter into force on the date of signature.

The High Contracting Parties shall conclude additional agreements if the application of the present Treaty renders them necessary.

The High Contracting Parties shall proceed as soon as possible with the registration of the present Treaty with the Secretariat of the United Nations, in conformity with Article 102 of the United Nations Charter.

ADDITIONAL PROTOCOL

No. I

I. The Greek and Turkish contingents which are to participate in the Tripartite Headquarters shall comprise respectively 950 Greek officers, non-commissioned officers and men, and 650 Turkish officers, non-commissioned officers and men.

II. The President and the Vice-President of the Republic of Cyprus, acting in agreement, may request the Greek and Turkish Governments to increase or reduce the Greek and Turkish contingents.

III. It is agreed that the sites of the cantonments for the Greek and Turkish contingents participating in the Tripartite Headquarters, their juridical status, facilities and exemptions in respect of customs and taxes, as well as other immunities and privileges and any other military and technical questions concerning the organisation and operation of the Headquarters mentioned above shall be determined by a Special Convention which shall come into force not later than the Treaty of Alliance.

IV. It is likewise agreed that the Tripartite Headquarters shall be set up not later than three months after the completion of the tasks of the Mixed Commission for the Cyprus Constitution and shall consist, in the initial period, of a limited number of officers charged with the training of the armed forces of the Republic of Cyprus. The Greek and Turkish contingents mentioned above will arrive in Cyprus on the date of signature of the Treaty of Alliance.

ADDITIONAL PROTOCOL

No. II

ARTICLE I

A Committee shall be set up consisting of the Foreign Ministers of Cyprus, Greece and Turkey. It shall constitute the supreme political body of the Tripartite Alliance and may take cognisance of any question concerning the Alliance which the Governments of the three Allied countries shall agree to submit to it.

ARTICLE II

The Committee of Ministers shall meet in ordinary session once a year. In a matter of urgency the Committee of Ministers can be convened in special session by its Chairman at the request of one of the members of the Alliance.

Decisions of the Committee of Ministers shall be unanimous.

ARTICLE III

The Committee of Ministers shall be presided over in rotation and for a period of one year, by each of the three Foreign Ministers. It will hold its ordinary sessions, unless it is decided otherwise, in the capital of the

Chairman's country. The Chairman shall, during the year in which he holds office, preside over sessions of the Committee of Ministers, both ordinary and special.

The Committee may set up subsidiary bodies whenever it shall judge it to be necessary for the fulfilment of its task.

ARTICLE IV

The Tripartite Headquarters established by the Treaty of Alliance shall be responsible to the Committee of Ministers in the performance of its functions. It shall submit to it, during the Committee's ordinary session, an annual report comprising a detailed account of the Headquarter's activities.

APPENDIX D

DRAFT CONSTITUTION OF THE REPUBLIC OF CYPRUS

PART I.—GENERAL PROVISIONS

ARTICLE 1

The State of Cyprus is an independent and sovereign Republic with a presidential régime, the President being Greek and the Vice-President being Turk elected by the Greek and the Turkish Communities of Cyprus respectively as hereinafter in this Constitution provided.

ARTICLE 2

For the purposes of this Constitution—

- (1) the Greek Community comprises all citizens of the Republic who are of Greek origin and whose mother tongue is Greek or who share the Greek cultural traditions or who are members of the Greek-Orthodox Church;
- (2) the Turkish Community comprises all citizens of the Republic who are of Turkish origin and whose mother tongue is Turkish or who share the Turkish cultural traditions or who are Moslems;
- (3) citizens of the Republic who do not come within the provisions of paragraph (1) or (2) of this Article shall, within three months of the date of the coming into operation of this Constitution, opt to belong to either the Greek or the Turkish Community as individuals, but, if they belong to a religious group, shall so opt as a religious group and upon such option they shall be deemed to be members of such Community :

Provided that any citizen of the Republic who belongs to such a religious group may choose not to abide by the option of such group and by a written and signed declaration submitted within one month of the date of such option to the appropriate officer of the Republic and to the Presidents of the Greek and the Turkish Communal Chambers opt to belong to the Community other than that to which such group shall be deemed to belong :

Provided further that if an option of such religious group is not accepted on the ground that its members are below the requisite number any member of such group may within one month of the date of the refusal of acceptance of such option opt in the aforesaid manner as an individual to which Community he would like to belong.

For the purposes of this paragraph a “religious group” means a group of persons ordinarily resident in Cyprus professing the same

religion and either belonging to the same rite or being subject to the same jurisdiction thereof the number of whom, on the date of the coming into operation of this Constitution, exceeds one thousand out of which at least five hundred become on such date citizens of the Republic;

- (4) a person who becomes a citizen of the Republic at any time after three months of the date of the coming into operation of this Constitution shall exercise the option provided in paragraph (3) of this Article within three months of the date of his so becoming a citizen;
- (5) a Greek or a Turkish citizen of the Republic who comes within the provisions of paragraph (1) or (2) of this Article may cease to belong to the Community of which he is a member and belong to the other Community upon—
 - (a) a written and signed declaration by such citizen to the effect that he desires such change, submitted to the appropriate officer of the Republic and to the Presidents of the Greek and the Turkish Communal Chambers;
 - (b) the approval of the Communal Chamber of such other Community;
- (6) any individual or any religious group deemed to belong to either the Greek or the Turkish Community under the provisions of paragraph (3) of this Article may cease to belong to such Community and be deemed to belong to the other Community upon—
 - (a) a written and signed declaration by such individual or religious group to the effect that such change is desired, submitted to the appropriate officer of the Republic and to the Presidents of the Greek and the Turkish Communal Chambers;
 - (b) the approval of the Communal Chamber of such other Community;
- (7) (a) a married woman shall belong to the Community to which her husband belongs;
- (b) a male or female child under the age of twenty-one who is not married shall belong to the Community to which his or her father belongs, or, if the father is unknown and he or she has not been adopted, to the Community to which his or her mother belongs.

ARTICLE 3

1. The official languages of the Republic are Greek and Turkish.
2. Legislative, executive and administrative acts and documents shall be drawn up in both official languages and shall, where under the express provisions of this Constitution promulgation is required, be promulgated by publication in the official Gazette of the Republic in both official languages.
3. Administrative or other official documents addressed to a Greek or a Turk shall be drawn up in the Greek or the Turkish language respectively.

4. Judicial proceedings shall be conducted or made and judgments shall be drawn up in the Greek language if the parties are Greek, in the Turkish language if the parties are Turkish, and in both the Greek and the Turkish languages if the parties are Greek and Turkish. The official language or languages to be used for such purposes in all other cases shall be specified by the Rules of Court made by the High Court under Article 163.

5. Any text in the official Gazette of the Republic shall be published in both official languages in the same issue.

6. (1) Any difference between the Greek and the Turkish texts of any legislative, executive or administrative act or document published in the official Gazette of the Republic, shall be resolved by a competent court.

(2) The prevailing text of any law or decision of a Communal Chamber published in the official Gazette of the Republic shall be that of the language of the Communal Chamber concerned.

(3) Where any difference arises between the Greek and the Turkish texts of an executive or administrative act or document which, though not published in the official Gazette of the Republic, has otherwise been published, a statement by the Minister or any other authority concerned as to which text should prevail or which should be the correct text shall be final and conclusive.

(4) A competent court may grant such remedies as it may deem just in any case of a difference in the texts as aforesaid.

7. The two official languages shall be used on coins, currency notes and stamps.

8. Every person shall have the right to address himself to the authorities of the Republic in either of the official languages.

ARTICLE 4

1. The Republic shall have its own flag of neutral design and colour, chosen jointly by the President and the Vice-President of the Republic.

2. The authorities of the Republic and any public corporation or public utility body created by or under the laws of the Republic shall fly the flag of the Republic and they shall have the right to fly on holidays together with the flag of the Republic both the Greek and the Turkish flags at the same time.

3. The Communal authorities and institutions shall have the right to fly on holidays together with the flag of the Republic either the Greek or the Turkish flag at the same time.

4. Any citizen of the Republic or any body, corporate or unincorporate other than public, whose members are citizens of the Republic, shall have the right to fly on their premises the flag of the Republic or the Greek or the Turkish flag without any restriction.

ARTICLE 5

The Greek and the Turkish Communities shall have the right to celebrate respectively the Greek and the Turkish national holidays.

PART II.—FUNDAMENTAL RIGHTS AND LIBERTIES

ARTICLE 6

Subject to the express provisions of this Constitution no law or decision of the House of Representatives or of any of the Communal Chambers, and no act or decision of any organ, authority or person in the Republic exercising executive power or administrative functions, shall discriminate against any of the two Communities or any person as a person or by virtue of being a member of a Community.

ARTICLE 7

1. Every person has the right to life and corporal integrity.

2. No person shall be deprived of his life except in the execution of a sentence of a competent court following his conviction of an offence for which this penalty is provided by law. A law may provide for such penalty only in cases of premeditated murder, high treason, piracy *jure gentium* and capital offences under military law.

3. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary—

- (a) in defence of person or property against the infliction of a proportionate and otherwise unavoidable and irreparable evil;
- (b) in order to effect an arrest or to prevent the escape of a person lawfully detained;
- (c) in action taken for the purpose of quelling a riot or insurrection, when and as provided by law.

ARTICLE 8

No person shall be subjected to torture or to inhuman or degrading punishment or treatment.

ARTICLE 9

Every person has the right to a decent existence and to social security. A law shall provide for the protection of the workers, assistance to the poor and for a system of social insurance.

ARTICLE 10

- 1. No person shall be held in slavery or servitude.
- 2. No person shall be required to perform forced or compulsory labour.
- 3. For the purposes of this Article the term “forced or compulsory labour” shall not include—
 - (a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 11 or during conditional release from such detention;

- (b) any service of a military character if imposed or, in case of conscientious objectors, subject to their recognition by a law, service exacted instead of compulsory military service;
- (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the inhabitants.

ARTICLE 11

1. Every person has the right to liberty and security of person.
2. No person shall be deprived of his liberty save in the following cases when and as provided by law:—
 - (a) the detention of a person after conviction by a competent court;
 - (b) the arrest or detention of a person for non-compliance with the lawful order of a court;
 - (c) the arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
 - (d) the detention of a minor by a lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
 - (e) the detention of persons for the prevention of spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
 - (f) the arrest or detention of a person to prevent him effecting an unauthorised entry into the territory of the Republic or of an alien against whom action is being taken with a view to deportation or extradition.
3. Save when and as provided by law in case of a flagrant offence punishable with death or imprisonment, no person shall be arrested save under the authority of a reasoned judicial warrant issued according to the formalities prescribed by the law.
4. Every person arrested shall be informed at the time of his arrest in a language which he understands of the reasons for his arrest and shall be allowed to have the services of a lawyer of his own choosing.
5. The person arrested shall, as soon as is practicable after his arrest, and in any event not later than twenty-four hours after the arrest, be brought before a judge, if not earlier released.
6. The judge before whom the person arrested is brought shall promptly proceed to inquire into the grounds of the arrest in a language understandable by the person arrested and shall, as soon as possible and in any event not later than three days from such appearance, either release the person arrested on such terms as he may deem fit or where the investigation into the commission of the offence for which he has been arrested has not been completed remand him in custody and may remand him in custody from time to time for a period not exceeding eight days at any one time:

Provided that the total period of such remand in custody shall not exceed three months of the date of the arrest on the expiration of which every person or authority having the custody of the person arrested shall forthwith set him free.

Any decision of the judge under this paragraph shall be subject to appeal.

7. Every person who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

8. Every person who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

ARTICLE 12

1. No person shall be held guilty of any offence on account of any act or omission which did not constitute an offence under the law at the time when it was committed; and no person shall have a heavier punishment imposed on him for an offence other than that expressly provided for it by law at the time when it was committed.

2. A person who has been acquitted or convicted of an offence shall not be tried again for the same offence. No person shall be punished twice for the same act or omission except where death ensues from such act or omission.

3. No law shall provide for a punishment which is disproportionate to the gravity of the offence.

4. Every person charged with an offence shall be presumed innocent until proved guilty according to law.

5. Every person charged with an offence has the following minimum rights:—

- (a) to be informed promptly and in a language which he understands and in detail of the nature and grounds of the charge preferred against him;
 - (b) to have adequate time and facilities for the preparation of his defence;
 - (c) to defend himself in person or through a lawyer of his own choosing or, if he has no sufficient means to pay for legal assistance, to be given free legal assistance when the interests of justice so require;
 - (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.
6. A punishment of general confiscation of property is prohibited.

ARTICLE 13

1. Every person has the right to move freely throughout the territory of the Republic and to reside in any part thereof subject to any restrictions

imposed by law and which are necessary only for the purposes of defence or public health or provided as punishment to be passed by a competent court.

2. Every person has the right to leave permanently or temporarily the territory of the Republic subject to reasonable restrictions imposed by law.

ARTICLE 14

No citizen shall be banished or excluded from the Republic under any circumstances.

ARTICLE 15

1. Every person has the right to respect for his private and family life.

2. There shall be no interference with the exercise of this right except such as is in accordance with the law and is necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person.

ARTICLE 16

1. Every person's dwelling house is inviolable.

2. There shall be no entry in any dwelling house or any search therein except when and as provided by law and on a judicial warrant duly reasoned or when the entry is made with the express consent of its occupant or for the purpose of rescuing the victims of any offence of violence or of any disaster.

ARTICLE 17

1. Every person has the right to respect for, and to the secrecy of, his correspondence and other communication if such other communication is made through means not prohibited by law.

2. There shall be no interference with the exercise of this right except in accordance with the law and only in cases of convicted and unconvicted prisoners and business correspondence and communication of bankrupts during the bankruptcy administration.

ARTICLE 18

1. Every person has the right to freedom of thought, conscience and religion.

2. All religions whose doctrines or rites are not secret are free.

3. All religions are equal before the law. Without prejudice to the competence of the Communal Chambers under this Constitution, no legislative, executive or administrative act of the Republic shall discriminate against any religious institution or religion.

4. Every person is free and has the right to profess his faith and to manifest his religion or belief, in worship, teaching, practice or observance, either individually or collectively, in private or in public, and to change his religion or belief.

5. The use of physical or moral compulsion for the purpose of making a person change or preventing him from changing his religion is prohibited.

6. Freedom to manifest one's religion or belief shall be subject only to such limitations as are prescribed by law and are necessary in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person.

7. Until a person attains the age of sixteen the decision as to the religion to be professed by him shall be taken by the person having the lawful guardianship of such person.

8. No person shall be compelled to pay any tax or duty the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than his own.

ARTICLE 19

1. Every person has the right to freedom of speech and expression in any form.

2. This right includes freedom to hold opinions and receive and impart information and ideas without interference by any public authority and regardless of frontiers.

3. The exercise of the rights provided in paragraphs 1 and 2 of this Article may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the reputation or rights of others or for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary.

4. Seizure of newspapers or other printed matter is not allowed without the written permission of the Attorney-General of the Republic, which must be confirmed by the decision of a competent court within a period not exceeding seventy-two hours, failing which the seizure shall be lifted.

5. Nothing in this Article contained shall prevent the Republic from requiring the licensing of sound and vision broadcasting or cinema enterprises.

ARTICLE 20

1. Every person has the right to receive, and every person or institution has the right to give, instruction or education subject to such formalities, conditions or restrictions as are in accordance with the relevant communal

law and are necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or the standard and quality of education or for the protection of the rights and liberties of others including the right of the parents to secure for their children such education as is in conformity with their religious convictions.

2. Free primary education shall be made available by the Greek and the Turkish Communal Chambers in the respective communal primary schools.

3. Primary education shall be compulsory for all citizens of such school age as may be determined by a relevant communal law.

4. Education, other than primary education, shall be made available by the Greek and the Turkish Communal Chambers, in deserving and appropriate cases, on such terms and conditions as may be determined by a relevant communal law.

ARTICLE 21

1. Every person has the right to freedom of peaceful assembly.

2. Every person has the right to freedom of association with others, including the right to form and to join trade unions for the protection of his interests. Notwithstanding any restriction under paragraph 3 of this Article, no person shall be compelled to join any association or to continue to be a member thereof.

3. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are absolutely necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person, whether or not such person participates in such assembly or is a member of such association.

4. Any association the object or activities of which are contrary to the constitutional order is prohibited.

5. A law may provide for the imposition of restrictions on the exercise of these rights by members of the armed forces, the police or gendarmerie.

6. Subject to the provisions of any law regulating the establishment or incorporation, membership (including rights and obligations of members), management and administration, and winding up and dissolution, the provisions of this Article shall also apply to the formation of companies, societies and other associations functioning for profit.

ARTICLE 22

1. Any person reaching nubile age is free to marry and to found a family according to the law relating to marriage, applicable to such person under the provisions of this Constitution.

2. The provisions of paragraph 1 of this Article shall, in the following cases, be applied as follows:—

- (a) if the law relating to marriage applicable to the parties as provided under Article 111 is not the same, the parties may elect to have their marriage governed by the law applicable to either of them under such Article;
- (b) if the provisions of Article 111 are not applicable to any of the parties to the marriage and neither of such parties is a member of the Turkish Community, the marriage shall be governed by a law of the Republic which the House of Representatives shall make and which shall not contain any restrictions other than those relating to age, health, proximity of relationship and prohibition of polygamy;
- (c) if the provisions of Article 111 are applicable only to one of the parties to the marriage and the other party is not a member of the Turkish Community, the marriage shall be governed by the law of the Republic as in sub-paragraph (b) of this paragraph provided :

Provided that the parties may elect to have their marriage governed by the law applicable, under Article 111, to one of such parties in so far as such law allows such marriage.

3. Nothing in this Article contained shall, in any way, affect the rights, other than those on marriage, of the Greek-Orthodox Church or of any religious group to which the provisions of paragraph 3 of Article 2 shall apply with regard to their respective members as provided in this Constitution.

ARTICLE 23

1. Every person, alone or jointly with others, has the right to acquire, own, possess, enjoy or dispose of any movable or immovable property and has the right to respect for such right.

The right of the Republic to underground water, minerals and antiquities is reserved.

2. No deprivation or restriction or limitation of any such right shall be made except as provided in this Article.

3. Restrictions or limitations which are absolutely necessary in the interest of the public safety or the public health or the public morals or the town and country planning or the development and utilization of any property to the promotion of the public benefit or for the protection of the rights of others may be imposed by law on the exercise of such right.

Just compensation shall be promptly paid for any such restrictions or limitations which materially decrease the economic value of such property; such compensation to be determined in case of disagreement by a civil court.

4. Any movable or immovable property or any right over or interest in any such property may be compulsorily acquired by the Republic or by a municipal corporation or by a Communal Chamber for the educational, religious, charitable or sporting institutions, bodies or establishments within its competence and only from the persons belonging to its respective Community or by a public corporation or a public utility body on which such right has been conferred by law, and only—

- (a) for a purpose which is to the public benefit and shall be specially provided by a general law for compulsory acquisition which shall be enacted within a year from the date of the coming into operation of this Constitution; and
- (b) when such purpose is established by a decision of the acquiring authority and made under the provisions of such law stating clearly the reasons for such acquisition; and
- (c) upon the payment in cash and in advance of a just and equitable compensation to be determined in case of disagreement by a civil court.

5. Any immovable property or any right over or interest in any such property compulsorily acquired shall only be used for the purpose for which it has been acquired. If within three years of the acquisition such purpose has not been attained, the acquiring authority shall, immediately after the expiration of the said period of three years, offer the property at the price it has been acquired to the person from whom it has been acquired. Such person shall be entitled within three months of the receipt of such offer to signify his acceptance or non-acceptance of the offer, and if he signifies acceptance, such property shall be returned to him immediately after his returning such price within a further period of three months from such acceptance.

6. In the event of agricultural reform, lands shall be distributed only to persons belonging to the same Community as the owner from whom such land has been compulsorily acquired.

7. Nothing in paragraphs 3 and 4 of this Article contained shall affect the provisions of any law made for the purpose of levying execution in respect of any tax or penalty, executing any judgment, enforcing any contractual obligation or for the prevention of danger to life or property.

8. Any movable or immovable property may be requisitioned by the Republic or by a Communal Chamber for the purposes of the educational, religious, charitable or sporting institutions, bodies or establishments within its competence and only where the owner and the person entitled to possession of such property belong to the respective Community, and only—

- (a) for a purpose which is to the public benefit and shall be specially provided by a general law for requisitioning which shall be enacted within a year from the date of the coming into operation of this Constitution; and
- (b) when such purpose is established by a decision of the requisitioning authority and made under the provisions of such law stating clearly the reasons for such requisitioning; and
- (c) for a period not exceeding three years; and
- (d) upon the prompt payment in cash of a just and equitable compensation to be determined in case of disagreement by a civil court.

9. Notwithstanding anything contained in this Article no deprivation, restriction or limitation of the right provided in paragraph 1 of this Article in respect of any movable or immovable property belonging to any See, monastery, church or any other ecclesiastical corporation or any right over

it or interest therein shall be made except with the written consent of the appropriate ecclesiastical authority being in control of such property and the provisions of paragraphs 3, 4, 7 and 8 of this Article shall be subject to the provisions of this paragraph :

Provided that restrictions or limitations for the purposes of town and country planning under the provisions of paragraph 3 of this Article are exempted from the provisions of this paragraph.

10. Notwithstanding anything contained in this Article, no deprivation, restriction or limitation of any right provided in paragraph 1 of this Article in respect of any vakf movable or immovable property, including the objects and subjects of the vakfs and the properties belonging to the Mosques or to any other Moslem religious institutions, or any right thereon or interest therein shall be made except with the approval of the Turkish Communal Chamber and subject to the Laws and Principles of Vakfs and the provisions of paragraphs 3, 4, 7 and 8 of this Article shall be subject to the provisions of this paragraph :

Provided that restrictions or limitations for the purposes of town and country planning under the provisions of paragraph 3 of this Article are exempted from the provisions of this paragraph.

11. Any interested person shall have the right of recourse to the court in respect of or under any of the provisions of this Article, and such recourse shall act as a stay of proceedings for the compulsory acquisition; and in case of any restriction or limitation imposed under paragraph 3 of this Article, the court shall have power to order stay of any proceedings in respect thereof.

Any decision of the court under this paragraph shall be subject to appeal.

ARTICLE 24

1. Every person is bound to contribute according to his means towards the public burdens.

2. No such contribution by way of tax, duty or rate of any kind whatsoever shall be imposed save by or under the authority of a law.

3. No tax, duty or rate of any kind whatsoever shall be imposed with retrospective effect :

Provided that any import duty may be imposed as from the date of the introduction of the relevant Bill.

4. No tax, duty or rate of any kind whatsoever other than customs duties shall be of a destructive or prohibitive nature.

ARTICLE 25

1. Every person has the right to practise any profession or to carry on any occupation, trade or business.

2. The exercise of this right may be subject to such formalities, conditions or restrictions as are prescribed by law and relate exclusively to the qualifications usually required for the exercise of any profession or are

necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person or in the public interest:

Provided that no such formalities, conditions or restrictions purporting to be in the public interest shall be prescribed by a law if such formality, condition or restriction is contrary to the interests of either Community.

3. As an exception to the aforesaid provisions of this Article a law may provide, if it is in the public interest, that certain enterprises of the nature of an essential public service or relating to the exploitation of sources of energy or other natural resources shall be carried out exclusively by the Republic or a municipal corporation or by a public corporate body created for the purpose by such law and administered under the control of the Republic, and having a capital which may be derived from public and private funds or from either such source only:

Provided that, where such enterprise has been carried out by any person, other than a municipal corporation or a public corporate body, the installations used for such enterprise shall, at the request of such person, be acquired, on payment of a just price, by the Republic or such municipal corporation or such public corporate body, as the case may be.

ARTICLE 26

1. Every person has the right to enter freely into any contract subject to such conditions, limitations or restrictions as are laid down by the general principles of the law of contract. A law shall provide for the prevention of exploitation by persons who are commanding economic power.

2. A law may provide for collective labour contracts of obligatory fulfilment by employers and workers with adequate protection of the rights of any person, whether or not represented at the conclusion of such contract.

ARTICLE 27

1. The right to strike is recognised and its exercise may be regulated by law for the purposes only of safeguarding the security of the Republic or the constitutional order or the public order or the public safety or the maintenance of supplies and services essential to the life of the inhabitants or the protection of the rights and liberties guaranteed by this Constitution to any person.

2. The members of the armed forces, of the police and of the gendarmerie shall not have the right to strike. A law may extend such prohibition to the members of the public service.

ARTICLE 28

1. All persons are equal before the law, the administration and justice and are entitled to equal protection thereof and treatment thereby.

2. Every person shall enjoy all the rights and liberties provided for in this Constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex, political

or other convictions, national or social descent, birth, colour, wealth, social class, or on any ground whatsoever, unless there is express provision to the contrary in this Constitution.

3. No citizen shall be entitled to use or enjoy any privilege of any title of nobility or of social distinction within the territorial limits of the Republic.

4. No title or nobility or other social distinction shall be conferred by or recognised in the Republic.

ARTICLE 29

1. Every person has the right individually or jointly with others to address written requests or complaints to any competent public authority and to have them attended to and decided expeditiously; an immediate notice of any such decision taken duly reasoned shall be given to the person making the request or complaint and in any event within a period not exceeding thirty days.

2. Where any interested person is aggrieved by any such decision or where no such decision is notified to such person within the period specified in paragraph 1 of this Article, such person may have recourse to a competent court in the matter of such request or complaint.

ARTICLE 30

1. No person shall be denied access to the court assigned to him by or under this Constitution. The establishment of judicial committees or exceptional courts under any name whatsoever is prohibited.

2. In the determination of his civil rights and obligations or of any criminal charge against him, every person is entitled to a fair and public hearing within a reasonable time by an independent, impartial and competent court established by law. Judgment shall be reasoned and pronounced in public session, but the press and the public may be excluded from all or any part of the trial upon a decision of the court where it is in the interest of the security of the Republic or the constitutional order or the public order or the public safety or the public morals or where the interests of juveniles or the protection of the private life of the parties so require or, in special circumstances where, in the opinion of the court, publicity would prejudice the interests of justice.

3. Every person has the right—

- (a) to be informed of the reasons why he is required to appear before the court;
- (b) to present his case before the court and to have sufficient time necessary for its preparation;
- (c) to adduce or cause to be adduced his evidence and to examine witnesses according to law;
- (d) to have a lawyer of his own choice and to have free legal assistance where the interests of justice so require and as provided by law;
- (e) to have free assistance of an interpreter if he cannot understand or speak the language used in court.

ARTICLE 31

Every citizen has, subject to the provisions of this Constitution and any electoral law of the Republic or of the relevant Communal Chamber made thereunder, the right to vote in any election held under this Constitution or any such law.

ARTICLE 32

Nothing in this Part contained shall preclude the Republic from regulating by law any matter relating to aliens in accordance with International Law.

ARTICLE 33

1. Subject to the provisions of this Constitution relating to a state of emergency, the fundamental rights and liberties guaranteed by this Part shall not be subjected to any other limitations or restrictions than those in this Part provided.

2. The provisions of this Part relating to such limitations or restrictions shall be interpreted strictly and shall not be applied for any purpose other than those for which they have been prescribed.

ARTICLE 34

Nothing in this Part may be interpreted as implying for any Community, group or person any right to engage in any activity or perform any act aimed at the undermining or destruction of the constitutional order established by this Constitution or at the destruction of any of the rights and liberties set forth in this Part or at their limitation to a greater extent than is provided for therein.

ARTICLE 35

The legislative, executive and judicial authorities of the Republic shall be bound to secure, within the limits of their respective competence, the efficient application of the provisions of this Part.

PART III.—THE PRESIDENT OF THE REPUBLIC, THE VICE-PRESIDENT OF THE REPUBLIC AND THE COUNCIL OF MINISTERS

ARTICLE 36

1. The President of the Republic is the Head of the State and takes precedence over all persons in the Republic.

The Vice-President of the Republic is the Vice-Head of the State and takes precedence over all persons in the Republic next after the President of the Republic.

Deputising for or replacing the President of the Republic in case of his temporary absence or temporary incapacity to perform his duties is made as provided in paragraph 2 of this Article.

2. In the event of a temporary absence or a temporary incapacity to perform the duties of the President or of the Vice-President of the Republic, the President or the Vice-President of the House of Representatives and, in case of his absence or pending the filling of a vacancy in any such office, the Representative acting for him under Article 72 shall act for the President or the Vice-President of the Republic respectively during such temporary absence or temporary incapacity.

ARTICLE 37

The President of the Republic as Head of the State—

- (a) represents the Republic in all its official functions;
- (b) signs the credentials of diplomatic envoys appointed under Article 54 and receives the credentials of foreign diplomatic envoys who shall be accredited to him;
- (c) signs—
 - (i) the credentials of delegates appointed under Article 54 for the negotiation of international treaties, conventions or other agreements, or for signing any such treaties, conventions or agreements already negotiated, in accordance with, and subject to, the provisions of this Constitution;
 - (ii) the letter relating to the transmission of the instruments of ratification of any international treaties, conventions or agreements approved as provided in this Constitution;
- (d) confers the honours of the Republic.

ARTICLE 38

1. The Vice-President of the Republic as Vice-Head of the State has the right to—

- (a) be present in all official functions;
- (b) be present at the presentation of the credentials of the foreign diplomatic envoys;
- (c) recommend to the President of the Republic the conferment of honours of the Republic on members of the Turkish Community which recommendation the President shall accept unless there are grave reasons to the contrary. The honours so conferred will be presented to the recipient by the Vice-President if he so desires.

2. For the purposes of sub-paragraphs (a) and (b) of paragraph 1 of this Article, the necessary information shall be given to the Vice-President of the Republic in writing in sufficient time before any such event.

ARTICLE 39

1. The election of the President and the Vice-President of the Republic shall be direct, by universal suffrage and secret ballot, and shall, except in the case of a by-election, take place on the same day but separately :

Provided that in either case if there is only one candidate for election that candidate shall be declared as elected.

2. The candidate who receives more than fifty per centum of the votes validly cast shall be elected. If none of the candidates attains the required majority the election shall be repeated on the corresponding day of the week next following between the two candidates who received the greater number of the votes validly cast and the candidate who receives at such repeated election the greatest number of the votes validly cast shall be deemed to be elected.

3. If the election cannot take place on the date fixed under this Constitution owing to extraordinary and unforeseen circumstances such as earthquake, floods, general epidemic and the like, then such election shall take place on the corresponding day of the week next following.

ARTICLE 40

A person shall be qualified to be a candidate for election as President or Vice-President of the Republic if at the time of election such person—

- (a) is a citizen of the Republic;
- (b) has attained the age of thirty-five years;
- (c) has not been, on or after the date of the coming into operation of this Constitution, convicted of an offence involving dishonesty or moral turpitude or is not under any disqualification imposed by a competent court for any electoral offence;
- (d) is not suffering from a mental disease incapacitating such person from acting as President or Vice-President of the Republic.

ARTICLE 41

1. The office of the President and of the Vice-President of the Republic shall be incompatible with that of a Minister or of a Representative or of a member of a Communal Chamber or of a member of any municipal council including a Mayor or of a member of the armed or security forces of the Republic or with a public or municipal office.

For the purposes of this Article "public office" means any office of profit in the public service of the Republic or of a Communal Chamber, the emoluments of which are under the control either of the Republic or of a Communal Chamber, and includes any office in any public corporation or public utility body.

2. The President and the Vice-President of the Republic shall not, during their term of office, engage either directly or indirectly, either for their own account or for the account of any other person, in the exercise of any profit or non-profit making business or profession.

ARTICLE 42

1. The President and the Vice-President of the Republic are invested by the House of Representatives before which they make the following affirmation:—

“ I do solemnly affirm faith to, and respect for, the Constitution and the laws made thereunder, the preservation of the independence and the territorial integrity, of the Republic of Cyprus.”

2. For this purpose the House of Representatives shall meet on the date the five years' period of office of the outgoing President and the outgoing Vice-President of the Republic expires, and in the case of a by-election under paragraph 4 of Article 44 on the third day from the date of such by-election.

ARTICLE 43

1. The President and the Vice-President of the Republic shall hold office for a period of five years commencing on the date of their investiture and shall continue to hold such office until the next elected President and Vice-President of the Republic are invested.

2. The President or the Vice-President of the Republic elected at a by-election under paragraph 4 of Article 44 shall hold office for the unexpired period of office of the President or the Vice-President of the Republic, as the case may be, whose vacancy he has been elected to fill.

3. The election of a new President and Vice-President of the Republic shall take place before the expiration of the five years' period of office of the outgoing President and the outgoing Vice-President of the Republic so as to enable the newly-elected President and Vice-President of the Republic to be invested on the date such period expires.

ARTICLE 44

1. The office of the President or the Vice-President of the Republic shall become vacant—

- (a) upon his death;
- (b) upon his written resignation addressed to the House of Representatives through, and received by, its President or Vice-President respectively;
- (c) upon his conviction of high treason or any other offence involving dishonesty or moral turpitude;
- (d) upon such permanent physical or mental incapacity or such absence, other than temporary, as would prevent him to perform effectively his duties.

2. In the event of a vacancy in the office of the President or the Vice-President of the Republic, the President or the Vice-President of the House of Representatives respectively shall act, during such vacancy, as President or Vice-President of the Republic, respectively.

3. The Supreme Constitutional Court shall decide on any question arising out of sub-paragraph (d) of paragraph 1 of this Article on a motion by the Attorney-General and the Deputy Attorney-General of the Republic upon a resolution of the Representatives belonging to the same Community as the President or the Vice-President of the Republic respectively, carried by a simple majority:

Provided that no such resolution shall be taken and no item shall be entered on the agenda or debated in the House of Representatives in connexion therewith unless the proposal for such resolution is signed by at least one-fifth of the total number of such Representatives.

4. In the event of a vacancy in the office of either the President or the Vice-President of the Republic, the vacancy shall be filled by a by-election which shall take place within a period not exceeding forty-five days of the occurrence of such vacancy.

ARTICLE 45

1. The President or the Vice-President of the Republic shall not be liable to any criminal prosecution during his term of office except under the provisions of this Article.

2. The President or the Vice-President of the Republic may be prosecuted for high treason on a charge preferred by the Attorney-General and the Deputy Attorney-General of the Republic before the High Court upon a resolution of the House of Representatives carried by a secret ballot and a majority of three-fourths of the total number of Representatives:

Provided that no such resolution shall be taken and no item shall be entered on the agenda or debated in the House of Representatives in connexion therewith unless the proposal for such resolution is signed by at least one-fifth of the total number of Representatives.

3. The President or the Vice-President of the Republic may be prosecuted for an offence involving dishonesty or moral turpitude upon a charge preferred by the Attorney-General and the Deputy Attorney-General of the Republic before the High Court with the leave of the President of the High Court.

4. (1) The President or the Vice-President of the Republic upon being prosecuted under paragraph 2 or 3 of this Article shall be suspended from the performance of any of the functions of his office and thereupon the provisions of paragraph 2 of Article 36 shall apply.

(2) The President or the Vice-President of the Republic on any such prosecution shall be tried by the High Court; on his conviction his office shall become vacant and on his acquittal he shall resume the performance of the functions of his office.

5. Subject to paragraphs 2 and 3 of this Article the President or the Vice-President of the Republic shall not be liable to prosecution for any offence committed by him in the execution of his functions but he may be prosecuted for any other offence committed during his term of office after he ceases to hold office.

6. No action shall be brought against the President or the Vice-President of the Republic in respect of any act or omission committed by him in the exercise of any of the functions of his office:

Provided that nothing in this paragraph contained shall be construed as in any way depriving any person of the right to sue the Republic as provided by law.

ARTICLE 46

The executive power is ensured by the President and the Vice-President of the Republic.

The President and the Vice-President of the Republic in order to ensure the executive power shall have a Council of Ministers composed of seven Greek Ministers and three Turkish Ministers. The Ministers shall be designated respectively by the President and the Vice-President of the Republic who shall appoint them by an instrument signed by them both. The Ministers may be chosen from outside the House of Representatives.

One of the following Ministries that is to say the Ministry of Foreign Affairs, the Ministry of Defence or the Ministry of Finance, shall be entrusted to a Turkish Minister. If the President and the Vice-President of the Republic agree they may replace this system by a system of rotation.

The Council of Ministers shall exercise executive power as in Article 54 provided.

The decisions of the Council of Ministers shall be taken by an absolute majority and shall, unless the right of final veto or return is exercised by the President or the Vice-President of the Republic or both in accordance with Article 57, be promulgated immediately by them by publication in the official Gazette of the Republic in accordance with the provisions of Article 57.

ARTICLE 47

The executive power exercised by the President and the Vice-President of the Republic conjointly consists of the following matters that is to say:

- (a) determining the design and colour of the flag of the Republic as in Article 4 provided;
- (b) creation or establishment of the honours of the Republic;
- (c) appointment by an instrument signed by them both of the members of the Council of Ministers as in Article 46 provided;
- (d) promulgation by publication in the official Gazette of the Republic of the decisions of the Council of Ministers as in Article 57 provided;
- (e) promulgation by publication in the official Gazette of the Republic of any law or decision passed by the House of Representatives as in Article 52 provided;
- (f) appointments in Articles 112, 115, 118, 124, 126, 131, 133, 153 and 184 provided; termination of appointments as in Article 118 provided and of appointments made under Article 131;
- (g) institution of compulsory military service as in Article 129 provided;
- (h) reduction or increase of the security forces as in Article 130 provided;
- (i) exercise of the prerogative of mercy in capital cases where the injured party and the convicted person are members of different Communities as in Article 53 provided; remission, suspension and commutation of sentences as in Article 53 provided;
- (j) right of reference to the Supreme Constitutional Court as in Article 140 provided;

- (k) publication in the official Gazette of the Republic of decisions of the Supreme Constitutional Court as in Articles 137, 138, 139 and 143 provided;
- (l) replacement by a system of rotation of the system of appointment of a Turkish Minister to one of the three Ministries of Foreign Affairs or of Defence or of Finance as in Article 46 provided;
- (m) exercise of any of the powers specified in paragraphs (d), (e), (f) and (g) of Articles 48 and 49 and in Articles 50 and 51 which the President or the Vice-President of the Republic respectively can exercise separately;
- (n) address of messages to the House of Representatives as in Article 79 provided.

ARTICLE 48

The executive power exercised by the President of the Republic consists of the following matters, that is to say :—

- (a) designation and termination of appointment of Greek Ministers;
- (b) convening the meetings of the Council of Ministers as in Article 55 provided, presiding at such meetings and taking part in the discussions thereat without any right to vote;
- (c) preparing the agenda of such meetings as in Article 56 provided;
- (d) right of final veto on decisions of the Council of Ministers concerning foreign affairs, defence or security as in Article 57 provided;
- (e) right of return of decisions of the Council of Ministers as in Article 57 provided;
- (f) right of final veto on laws or decisions of the House of Representatives concerning foreign affairs, defence or security as in Article 50 provided;
- (g) right of return of laws or decisions of the House of Representatives or of the Budget as in Article 51 provided;
- (h) right of recourse to the Supreme Constitutional Court as in Articles 137, 138 and 143 provided;
- (i) right of reference to the Supreme Constitutional Court as in Article 141 provided;
- (j) publication of the communal laws and decisions of the Greek Communal Chamber as in Article 104 provided;
- (k) right of reference to the Supreme Constitutional Court of any law or decision of the Greek Communal Chamber as in Article 142 provided;
- (l) right of recourse to the Supreme Constitutional Court in connection with any matter relating to any conflict or contest of power or competence arising between the House of Representatives and the Communal Chambers or any of them and between any organs of, or authorities in, the Republic as in Article 139 provided;
- (m) the prerogative of mercy in capital cases as in Article 53 provided;
- (n) the exercise of any of the powers specified in Article 47 conjointly with the Vice-President of the Republic;
- (o) addressing messages to the House of Representatives as in Article 79 provided.

ARTICLE 49

The executive power exercised by the Vice-President of the Republic consists of the following matters, that is to say :—

- (a) designation and termination of appointment of Turkish Ministers;
- (b) asking the President of the Republic for the convening of the Council of Ministers as in Article 55 provided and being present and taking part in the discussions at all meetings of the Council of Ministers without any right to vote;
- (c) proposing to the President of the Republic subjects for inclusion in the agenda as in Article 56 provided;
- (d) right of final veto on decisions of the Council of Ministers concerning foreign affairs, defence or security as in Article 57 provided;
- (e) right of return of decisions of the Council of Ministers as in Article 57 provided;
- (f) right of final veto on laws or decisions of the House of Representatives concerning foreign affairs, defence or security as in Article 50 provided;
- (g) right of return of laws or decisions of the House of Representatives or of the Budget as in Article 51 provided;
- (h) right of recourse to the Supreme Constitutional Court as in Articles 137, 138 and 143 provided;
- (i) right of reference to the Supreme Constitutional Court as in Article 141 provided;
- (j) publication of the communal laws and decisions of the Turkish Communal Chamber as in Article 104 provided;
- (k) right of reference to the Supreme Constitutional Court of any law or decision of the Turkish Communal Chamber as in Article 142 provided;
- (l) right of recourse to the Supreme Constitutional Court in connection with any matter relating to any conflict or contest of power or competence arising between the House of Representatives and the Communal Chambers or any of them and between any organs of, or authorities in, the Republic as in Article 139 provided;
- (m) the prerogative of mercy in capital cases as in Article 53 provided;
- (n) the exercise of any of the powers specified in Article 47 conjointly with the President of the Republic;
- (o) addressing messages to the House of Representatives as in Article 79 provided.

ARTICLE 50

1. The President and the Vice-President of the Republic, separately or conjointly, shall have the right of final veto on any law or decision of the House of Representatives or any part thereof concerning—

- (a) foreign affairs, except the participation of the Republic in international organisations and pacts of alliance in which the Kingdom of Greece and the Republic of Turkey both participate.

For the purposes of this sub-paragraph "foreign affairs" includes—

- (i) the recognition of States, the establishment of diplomatic and consular relations with other countries and the interruption of such relations. The grant of acceptance to diplomatic representatives and of exequatur to consular representatives. The assignment of diplomatic representatives and of consular representatives, already in the diplomatic service, to posts abroad and the entrusting of functions abroad to special envoys already in the diplomatic service. The appointment and the assignment of persons, who are not already in the diplomatic service, to any posts abroad as diplomatic or consular representatives and the entrusting of functions abroad to persons, who are not already in the diplomatic service, as special envoys;
 - (ii) the conclusion of international treaties, conventions and agreements;
 - (iii) the declaration of war and the conclusion of peace;
 - (iv) the protection abroad of the citizens of the Republic and of their interests;
 - (v) the establishment, the status and the interests of aliens in the Republic;
 - (vi) the acquisition of foreign nationality by citizens of the Republic and their acceptance of employment by, or their entering the service of, a foreign Government;
- (b) the following questions of defence :—
- (i) composition and size of the armed forces and credits for them;
 - (ii) (nominations des cadres—διορισμοί στελεχῶν—kadrolara tayinler) and their promotions (καί ἡ προαγωγή αὐτῶν—ve bunlardaki terfiler);
 - (iii) importation of war materials and also explosives of all kinds;
 - (iv) cession of bases and other facilities to allied countries;
- (c) the following questions of security :—
- (i) (nominations des cadres—διορισμοί στελεχῶν—kadrolara tayinler) and their promotions (καί ἡ προαγωγή αὐτῶν—ve bunlardaki terfiler);
 - (ii) distribution and stationing of forces;
 - (iii) emergency measures and martial law;
 - (iv) police laws.

It is specified that the right of veto under sub-paragraph (c) above shall cover all emergency measures or decisions, but not those which concern the normal functioning of the police and the gendarmerie.

2. The above right of veto may be exercised either against the whole of a law or decision or against any part thereof, and in the latter case such law or decision shall be returned to the House of Representatives for a decision whether the remaining part thereof will be submitted, under the relevant provisions of this Constitution, for promulgation.

3. The right of veto under this Article shall be exercised within the period for the promulgation of laws or decisions of the House of Representatives as in Article 52 provided.

ARTICLE 51

1. The President and the Vice-President of the Republic shall have the right, either separately or conjointly, to return any law or decision or any part thereof of the House of Representatives to the House for reconsideration.

2. On the adoption of the Budget by the House of Representatives the President and the Vice-President of the Republic, either separately or conjointly, may exercise his or their right to return it to the House of Representatives on the ground that in his or their judgment there is a discrimination.

3. In case a law or decision or any part thereof is returned to the House of Representatives as in paragraph 1 of this Article provided, the House of Representatives shall pronounce on the matter so returned within fifteen days of such return and in the case of return of the Budget as in paragraph 2 of this Article provided the House of Representatives shall pronounce on the matter so returned within thirty days of such return.

4. If the House of Representatives persists in its decision the President and the Vice-President of the Republic shall, subject to the provisions of this Constitution, promulgate the law or decision or the Budget, as the case may be, within the time limit fixed for the promulgation of laws and decisions of the House of Representatives by publication of such law or decision or Budget in the official Gazette of the Republic.

5. Whenever the President or the Vice-President of the Republic exercises his right to return as provided in this Article he shall immediately notify the other of such return.

6. The right of return under this Article shall be exercised within the period for the promulgation of laws or decisions of the House of Representatives as in Article 52 provided.

ARTICLE 52

The President and the Vice-President of the Republic shall, within fifteen days of the transmission to their respective offices of any law or decision of the House of Representatives, promulgate by publication in the official Gazette of the Republic such law or decision unless in the meantime they exercise, separately or conjointly, as the case may be, their right of veto as in Article 50 provided or their right of return as in Article 51 provided or their right of reference to the Supreme Constitutional Court as in Articles 140 and 141 provided or in the case of the Budget their right of recourse to the Supreme Constitutional Court as in Article 138 provided.

ARTICLE 53

1. The President or the Vice-President of the Republic shall have the right to exercise the prerogative of mercy with regard to persons belonging to their respective Community who are condemned to death.

2. Where the person injured (βλαβέν πρόσωπον—zarar gören kimse—mağdur) and the offender are members of different Communities such prerogative of mercy shall be exercised by agreement between the President and the Vice-President of the Republic; in the event of disagreement between the two the vote for clemency shall prevail.

3. In case the prerogative of mercy is exercised under paragraph 1 or 2 of this Article the death sentence shall be commuted to life imprisonment.

4. The President and the Vice-President of the Republic shall, on the unanimous recommendation of the Attorney-General and the Deputy Attorney-General of the Republic, remit, suspend, or commute any sentence passed by a court in the Republic in all other cases.

ARTICLE 54

Subject to the executive power expressly reserved, under Articles 47, 48 and 49, to the President and the Vice-President of the Republic, acting either separately or conjointly, the Council of Ministers shall exercise executive power in all other matters other than those which, under the express provisions of this Constitution, are within the competence of a Communal Chamber, including the following:—

- (a) the general direction and control of the government of the Republic and the direction of general policy;
- (b) foreign affairs as in Article 50 set out;
- (c) defence and security, including questions thereof as in Article 50 set out;
- (d) the co-ordination and supervision of all public services;
- (e) the supervision and disposition of property belonging to the Republic in accordance with the provisions of this Constitution and the law;
- (f) consideration of Bills to be introduced to the House of Representatives by a Minister;
- (g) making of any order or regulation for the carrying into effect of any law as provided by such law;
- (h) consideration of the Budget of the Republic to be introduced to the House of Representatives.

ARTICLE 55

The President of the Republic convenes the meetings of the Council of Ministers. Such convening is made by the President of the Republic on his own motion or on being asked by the Vice-President of the Republic in due time for a specific subject.

ARTICLE 56

The agenda of any meeting of the Council of Ministers is prepared by the President of the Republic at his discretion and is communicated to all concerned prior to such meeting. The Vice-President of the Republic may

propose to the President any subject for inclusion in the agenda of any meeting. The President of the Republic shall include such subject in the agenda if it can conveniently be dealt with at such meeting, otherwise such subject shall be included in the agenda of the meeting next following.

ARTICLE 57

1. On a decision being taken by the Council of Ministers such decision shall be transmitted forthwith to the office of the President and of the Vice-President of the Republic respectively.

2. The President or the Vice-President of the Republic or both shall have the right of return, within four days of the date when the decision has been transmitted to their respective offices, of such decision to the Council of Ministers for reconsideration, whereupon the Council of Ministers shall reconsider the matter and if they persist in such decision the President and the Vice-President of the Republic shall, subject to paragraph 4 of this Article, promulgate by publication such decision:

Provided that the exercise of the right of return shall not, in cases where the right of veto exists, prevent either the President or the Vice-President of the Republic or both from exercising the right of veto, within four days of the transmission to their respective offices, of the decision persisted upon.

3. If a decision relates to foreign affairs, defence or security as in Article 50 set out, the President or the Vice-President of the Republic or both shall have a right of veto which they shall exercise within four days of the date when the decision has been transmitted to their respective offices.

4. If the decision is enforceable and no right of veto or return has been exercised as in paragraph 2 or 3 of this Article provided, such decision shall be forthwith promulgated by the President and the Vice-President of the Republic by publication in the official Gazette of the Republic unless the Council of Ministers otherwise states in that decision.

ARTICLE 58

1. A Minister is the Head of his Ministry.

2. Subject to the executive power expressly reserved, under this Constitution, to the President and the Vice-President of the Republic, acting either separately or conjointly, and to the Council of Ministers, the executive power exercised by each Minister includes the following matters:—

- (a) the execution of laws relating to, and the administration of all matters and affairs usually falling within, the domain of his Ministry;
- (b) preparation of orders or regulations concerning his Ministry for submission to the Council of Ministers;
- (c) the issuing of directions and general instructions for the carrying out of the provisions of any law relating to his Ministry and of any order or regulation under such law;
- (d) the preparation for submission to the Council of Ministers of the part of the Budget of the Republic relating to his Ministry.

ARTICLE 59

1. No person shall be appointed as a Minister unless he is a citizen of the Republic and has the qualifications required for a candidate for election as a member of the House of Representatives.

2. The office of a Minister shall be incompatible with that of a Representative or of a member of a Communal Chamber or of a member of any municipal council including a Mayor or of a member of the armed or security forces of the Republic or with a public or municipal office or in the case of a Turkish Minister with that of a religious functionary (*din adamı*).

For the purposes of this paragraph "public office" has the same meaning as in Article 41.

3. The Ministers shall hold office in the case of the Greek Ministers until their appointment is terminated by the President of the Republic and in the case of the Turkish Ministers until their appointment is terminated by the Vice-President of the Republic.

4. Any person appointed as a Minister shall, before entering upon his office, make before the President and the Vice-President of the Republic the following affirmation:—

"I do solemnly affirm faith to, and respect for, the Constitution and the laws made thereunder, the preservation of the independence and the territorial integrity, of the Republic of Cyprus."

ARTICLE 60

1. There shall be a Joint Secretariat of the Council of Ministers headed by two Secretaries, one belonging to the Greek Community and the other belonging to the Turkish Community, who shall be public officers.

2. The two Secretaries of the Joint Secretariat of the Council of Ministers shall have charge of the Council of Ministers' Office and shall, in accordance with any instructions as may be given to them by the Council of Ministers, attend its meetings and keep the minutes thereof and convey the decision of the Council of Ministers to the appropriate organ or authority or person.

PART IV.—THE HOUSE OF REPRESENTATIVES

ARTICLE 61

The legislative power of the Republic shall be exercised by the House of Representatives in all matters except those expressly reserved to the Communal Chambers under this Constitution.

ARTICLE 62

1. The number of Representatives shall be fifty:

Provided that such number may be altered by a resolution of the House of Representatives carried by a majority comprising two-thirds of the

Representatives elected by the Greek Community and two-thirds of the Representatives elected by the Turkish Community.

2. Out of the number of Representatives provided in paragraph 1 of this Article seventy per centum shall be elected by the Greek Community and thirty per centum by the Turkish Community separately from amongst their members respectively, and in the case of a contested election, by universal suffrage and by direct and secret ballot held on the same day.

The proportion of Representatives stated in this paragraph shall be independent of any statistical data.

ARTICLE 63

1. Subject to paragraph 2 of this Article every citizen of the Republic who has attained the age of twenty-one years and has such residential qualifications as may be prescribed by the Electoral Law shall have the right to be registered as an elector in either the Greek or the Turkish electoral list:

Provided that the members of the Greek Community shall only be registered in the Greek electoral list and the members of the Turkish Community shall only be registered in the Turkish electoral list.

2. No person shall be qualified to be registered as an elector who is disqualified for such registration by virtue of the Electoral Law.

ARTICLE 64

A person shall be qualified to be a candidate for election as a Representative if at the time of the election that person—

- (a) is a citizen of the Republic;
- (b) has attained the age of twenty-five years;
- (c) has not been, on or after the date of the coming into operation of this Constitution, convicted of an offence involving dishonesty or moral turpitude or is not under any disqualification imposed by a competent court for any electoral offence;
- (d) is not suffering from a mental disease incapacitating such person from acting as a Representative.

ARTICLE 65

1. The term of office of the House of Representatives shall be for a period of five years.

The term of office of the first House of Representatives shall commence on the date of the coming into operation of this Constitution.

2. The outgoing House shall continue in office until the newly-elected House assumes office under paragraph 1 of this Article.

ARTICLE 66

1. A general election for the House of Representatives shall be held on the second Sunday of the month immediately preceding the month in which the term of office of the outgoing House expires.

2. When a vacancy occurs in the seat of a Representative such vacancy shall be filled by a by-election to be held within a period not exceeding forty-five days of the occurrence of such vacancy on a date to be fixed by the House of Representatives.

3. If an election under paragraph 1 or 2 of this Article cannot take place on the date fixed by or under this Constitution owing to extraordinary and unforeseen circumstances such as earthquake, floods, general epidemic and the like, then such election shall take place on the corresponding day of the week next following.

ARTICLE 67

1. The House of Representatives may dissolve itself only by its own decision carried by an absolute majority including at least one third of the Representatives elected by the Turkish Community.

2. Any such decision shall, notwithstanding anything contained in paragraph 1 of Article 65 and paragraph 1 of Article 66, provide for the date of the holding of the general election, which shall not be less than thirty days and not more than forty days from the date of such decision, and also for the date of the first meeting of the newly elected House which shall not be later than fifteen days after such general election and until such date the outgoing House shall continue to be in office.

3. Notwithstanding anything in paragraph 1 of Article 65 contained, the term of office of the House of Representatives to be elected after dissolution shall be for the unexpired period of the term of office of the dissolved House. In case of dissolution within the last year of the five years' term of office, a general election for the House of Representatives shall take place both for the unexpired part of the term of office of the dissolved House, during which any session of the newly elected House shall be considered to be an extraordinary session, and for the subsequent five years' term of office.

ARTICLE 68

Whenever a House of Representatives continues to be in office until the assumption of office by a newly elected House under either paragraph 2 of Article 65 or paragraph 2 of Article 67, such House shall not have power to make any laws or to take any decisions on any matter except only in case of urgent and exceptional unforeseen circumstances to be specifically stated in the relevant law or decision.

ARTICLE 69

A Representative before assuming duties as such in the House of Representatives and at a public meeting thereof shall make the following affirmation :—

“ I do solemnly affirm faith to, and respect for, the Constitution and the laws made thereunder, the preservation of the independence and the territorial integrity, of the Republic of Cyprus ”.

ARTICLE 70

The office of a Representative shall be incompatible with that of a Minister or of a member of a Communal Chamber or of a member of any municipal council including a Mayor or of a member of the armed or security forces of the Republic or with a public or municipal office or, in the case of a Representative elected by the Turkish Community, of a religious functionary (din adamı).

For the purposes of this Article “ public office ” means any office of profit in the service of the Republic or of a Communal Chamber the emoluments of which are under the control either of the Republic or of a Communal Chamber, and includes any office in any public corporation or public utility body.

ARTICLE 71

The seat of a Representative shall become vacant—

- (a) upon his death;
- (b) upon his written resignation;
- (c) upon the occurrence of any of the circumstances referred to in paragraph (c) or (d) of Article 64 or if he ceases to be a citizen of the Republic;
- (d) upon his becoming the holder of an office mentioned in Article 70.

ARTICLE 72

1. The President of the House of Representatives shall be a Greek, and shall be elected by the Representatives elected by the Greek Community, and the Vice-President shall be a Turk and shall be elected by the Representatives elected by the Turkish Community. Each shall be elected separately as above at the same meeting at the beginning and for the whole period of the term of office of the House of Representatives.

2. In case of any vacancy in either of the offices provided in paragraph 1 of this Article, an election as provided in such paragraph shall take place with all due speed and at an extraordinary session if necessary in order to fill such vacancy.

3. In case of temporary absence or pending the filling of a vacancy as provided in paragraph 2 of this Article in either of the offices of the President or the Vice-President of the House, their functions shall be performed by the eldest Representative of the respective Community unless the Representatives of such Community should otherwise decide.

4. In addition to the President and the Vice-President of the House there shall be appointed from amongst the Representatives and by the President and the Vice-President of the House respectively two Greek and one Turkish

Clerks of the House and two Greek and one Turkish Administrative Clerks of the House who shall be attached respectively to the office of the President and the Vice-President of the House.

ARTICLE 73

1. Subject to the ensuing provisions of this Article, the House of Representatives by its Standing Orders regulates any matter of parliamentary procedure and of functions of its offices.

2. There shall be a Committee to be known as the Committee of Selection consisting of the President of the House as Chairman, the Vice-President of the House as Vice-Chairman and eight other members elected by the House of Representatives at its meeting after the election of the President and the Vice-President of the House, six from amongst the Representatives elected by the Greek Community and two from amongst the Representatives elected by the Turkish Community.

3. The Committee of Selection shall set up the Standing Committees and any other temporary, *ad hoc* or special Committee of the House of Representatives and shall appoint Representatives to be members thereof and in so doing due regard should be had to the proposals made by the Greek and the Turkish Communal groups or political party groups in the House for such setting up and appointments. The appointments to such Committees shall be subject to the provisions of the paragraph next following.

4. The Greek and the Turkish Communal groups and political party groups in the House of Representatives shall be adequately represented on each of the Standing, and of any other temporary, *ad hoc* or special, Committee of the House:

Provided that the total number of the seats on such Committees distributed respectively to the Representatives elected by the Greek and the Turkish Communities shall be in the same proportion as that in which the seats in the House are distributed to the Representatives elected by the Greek and the Turkish Communities respectively.

5. Every Bill on being introduced in the House of Representatives shall be referred for debate in the first instance before the appropriate Committee.

With the exception of those which are considered to be of an urgent nature, no Bill shall be debated by a Committee before the lapse of forty-eight hours after its being distributed to the Representatives constituting such a Committee.

With the exception of those which are considered to be of an urgent nature, no Bill which has passed the Committee stage shall be debated in the House of Representatives before the lapse of forty-eight hours after it has been distributed to the Representatives together with the report of the Committee.

6. The agenda of the meetings of the House of Representatives, which shall include any additional subject proposed by the Vice-President of the House, shall be drawn up and presented to the House of Representatives by the President of the House.

After the presentation of the agenda to the House of Representatives, any Representative may move any addition or amendment to such agenda, and such motion shall be decided upon by the House of Representatives.

7. No Representative can speak at any meeting of the House of Representatives unless he registers his name in the proper Register or unless he obtains the permission of the person presiding at such meeting.

Every Representative who has complied with such formality is entitled to be given reasonably sufficient time, having regard to the particular subject, to speak and to be heard at the relevant meeting.

The speeches shall be made in order of the registration or of oral request, as the case may be, of those who desire to speak :

Provided that where there are opposite views held, a speaker shall, as far as practicable, follow another one who supports the opposite view. But Representatives speaking on behalf of the Committees or of the political party groups of the House of Representatives shall not be subject to such order of precedence.

Representatives desiring to speak in connexion with motions with regard to any matter relating to the agenda, the application of the Standing Orders or the closure of the debate shall be given precedence in time over the Representatives desiring to speak in connexion with the subject of the debate, and in such a case two Representatives, one in favour and one against the motion, shall be allowed fifteen minutes each for their respective speeches.

8. All speeches in the House of Representatives shall be made from the rostrum of the House and addressed to the House of Representatives. All speeches and other proceedings in the House and at all the Committee meetings shall, simultaneously as they are being made or taking place, be translated from the official language in which they are being made or taking place into the other official language.

9. Save as otherwise provided in the Standing Orders, interruptions of the speech of a Representative or personal attacks against any Representative unconnected with the subject under debate, both in the House and at the Committee meetings, are prohibited.

10. The votes in the House of Representatives shall be jointly counted and recorded by one Greek and the Turkish Clerk of the House.

11. The minutes of the debates in the House of Representatives shall comprise all proceedings fully.

The minutes of the proceedings of the Committees shall be kept in a summary form. Upon objection to the minutes of a meeting of the House of Representatives through the oral submission of a Representative at the first following meeting or by a written objection sent to the President of the relevant meeting, the House of Representatives may decide to correct such minutes accordingly.

12. Any political party which is represented at least by twelve per centum of the total number of the Representatives in the House of Representatives can form and shall be entitled to be recognised as a political party group.

ARTICLE 74

1. The House of Representatives shall meet on the fifteenth day next following a general election and thereafter in each year on the corresponding day in such year without summons for its ordinary session.

2. The ordinary session of the House of Representatives shall last for a period of three to six months in each year, as the House of Representatives may determine.

3. The House of Representatives shall be summoned to an extraordinary session by the President or the Vice-President of the House on the request of ten Representatives addressed to both the President and the Vice-President of the House.

ARTICLE 75

1. The meetings of the House of Representatives shall be open to the public and the minutes of its debates shall be published.

2. The House of Representatives may, if it thinks necessary, hold secret sessions on a resolution carried by a three-quarters majority vote of the total number of Representatives.

ARTICLE 76

1. The President of the House shall declare the commencement and the end of every meeting.

2. The President of the House in declaring the end of a meeting shall at the same time announce the date and time fixed, with the consent of the House of Representatives, of the meeting next following and shall present to the House of Representatives the agenda of such meeting and thereupon the provisions of paragraph 6 of Article 73 shall apply.

3. Any agenda shall be printed and distributed to the Representatives at least twenty-four hours prior to the meeting, but if such agenda relates to the topic already under debate such distribution may be made at any time prior to the meeting.

ARTICLE 77

1. The quorum of the House of Representatives shall consist of at least one-third of the total number of its members.

2. The debate relating to any particular topic shall be adjourned once for twenty-four hours at the request of the majority of the Representatives of either Community who are present at a meeting.

ARTICLE 78

1. The laws and the decisions of the House of Representatives shall be passed by a simple majority vote of the Representatives present and voting.

2. Any modification of the Electoral Law and the adoption of any law relating to the municipalities and of any law imposing duties or taxes shall require a separate simple majority of the Representatives elected by the Greek and the Turkish Communities respectively taking part in the vote.

ARTICLE 79

1. The President or the Vice-President of the Republic may address the House of Representatives by message, or transmit to the House of Representatives their views through the Ministers.

2. The Ministers may follow the proceedings of the House of Representatives or any Committee thereof, and make a statement to, or inform, the House of Representatives or any Committee thereof, on any subject within their competence.

ARTICLE 80

1. The right to introduce Bills belongs to the Representatives and to the Ministers.

2. No Bill relating to an increase in budgetary expenditure can be introduced by any Representative.

ARTICLE 81

1. The Budget is introduced to the House of Representatives at least three months before the day fixed by law for the commencement of the financial year and is voted by it not later than the day so fixed.

2. Within three months from the end of the financial year the final accounts shall be submitted to the House of Representatives for approval.

ARTICLE 82

A law or decision of the House of Representatives shall come into operation on its publication in the official Gazette of the Republic unless another date is provided by such law or decision.

ARTICLE 83

1. Representatives shall not be liable to civil or criminal proceedings in respect of any statement made or vote given by them in the House of Representatives.

2. A Representative cannot, without the leave of the High Court, be prosecuted, arrested or imprisoned so long as he continues to be a Representative. Such leave is not required in the case of an offence punishable with death or imprisonment for five years or more in case the offender is taken in the act. In such a case the High Court being notified forthwith by the competent authority decides whether it should grant or refuse leave for the continuation of the prosecution or detention so long as he continues to be a Representative.

3. If the High Court refuses to grant leave for the prosecution of a Representative, the period during which the Representative cannot thus be prosecuted shall not be reckoned for the purposes of any period of prescription for the offence in question.

4. If the High Court refuses to grant leave for the enforcement of a sentence of imprisonment imposed on a Representative by a competent court, the enforcement of such sentence shall be postponed until he ceases to be a Representative.

ARTICLE 84

1. Representatives receive from the Public Revenue remuneration defined by law.

2. Any increase of such remuneration shall not become operative during the term of office of the House of Representatives in which such increase has been made.

ARTICLE 85

Any question with regard to the qualifications of candidates for election and election petitions shall be finally adjudicated by the Supreme Constitutional Court.

PART V.—THE COMMUNAL CHAMBERS

ARTICLE 86

The Greek and the Turkish Communities respectively shall elect from amongst their own members a Communal Chamber which shall have the competence expressly reserved for it under the provisions of this Constitution.

ARTICLE 87

1. The Communal Chambers shall, in relation to their respective Community, have competence to exercise within the limits of this Constitution and subject to paragraph 3 of this Article, legislative power solely with regard to the following matters:—

- (a) all religious matters;
- (b) all educational, cultural and teaching matters;
- (c) personal status;
- (d) the composition and instances (*βαθμούς δικαιοδοσίας*—*dereceleri*) of courts dealing with civil disputes relating to personal status and to religious matters;
- (e) in matters where the interests and institutions are of purely communal nature such as charitable and sporting foundations, bodies and associations created for the purpose of promoting the well-being of their respective Community;
- (f) imposition of personal taxes and fees on members of their respective Community in order to provide for their respective needs and for the needs of bodies and institutions under their control as in Article 88 provided;

- (g) in matters where subsidiary legislation in the form of regulations or bye-laws within the framework of the laws relating to municipalities will be necessary to enable a Communal Chamber to promote the aims pursued by municipalities composed solely of members of its respective Community;
- (h) in matters relating to the exercise of the authority of control of producers' and consumers' co-operatives and credit establishments and of supervision in their functions of municipalities consisting solely of their respective Community, vested in them by this Constitution :

Provided that—

- (i) any communal law, regulation, bye-law or decision made or taken by a Communal Chamber under this sub-paragraph (h) shall not directly or indirectly be contrary to or inconsistent with any law by which producers' and consumers' co-operatives and credit establishments are governed or to which the municipalities are subject;
- (ii) nothing in paragraph (i) of this proviso contained shall be construed as enabling the House of Representatives to legislate on any matter relating to the exercise of the authority vested in a Communal Chamber under this sub-paragraph (h);
- (i) in such other matters as are expressly provided by this Constitution.

2. Nothing in sub-paragraph (f) of paragraph 1 of this Article contained shall be construed as in any way curtailing the power of the House of Representatives to impose, in accordance with the provisions of this Constitution, any personal taxes.

3. Any law or decision of a Communal Chamber made or taken in exercise of the power vested in it under paragraph 1 of this Article shall not in any way contain anything contrary to the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or which is against the fundamental rights and liberties guaranteed by this Constitution to any person.

ARTICLE 88

1. The power of imposing taxes under sub-paragraph (f) of paragraph 1 of Article 87 of a Communal Chamber shall be exercised for the purposes of meeting the part of its expenditure provided in its budget in each financial year which is not met by the payment made to such Communal Chamber in respect of such financial year by the Republic out of its Budget as provided in paragraph 2 of this Article or by any other revenue which such Chamber may have in that financial year.

2. The House of Representatives shall, in respect of each financial year, provide in the Budget and make available for payment to both Communal Chambers in respect of their respective financial year for the purposes of their respective needs relating to matters within their respective competence

an amount not less than two million pounds to be allocated to the Greek and the Turkish Communal Chambers as follows:—

- (a) to the Greek Communal Chamber an amount not less than the sum of one million and six hundred thousand pounds; and
- (b) to the Turkish Communal Chamber an amount not less than the sum of four hundred thousand pounds:

Provided that in the case of the increase of the minimum total amount payable to both Communal Chambers the allocation to each of the Communal Chambers of such increased amount shall be made in such manner as the House of Representatives may decide.

3. If a Communal Chamber so requests the taxes imposed by it shall be collected on its behalf and paid to such a Communal Chamber by the authorities of the Republic.

4. For the purposes of this Article and of sub-paragraph (f) of paragraph 1 of Article 87 “member” includes corporate and unincorporate bodies to the extent of the interest held in such bodies by such members.

ARTICLE 89

1. The Communal Chambers shall, in relation to their respective Community, also have competence—

(a) (i) to direct policy (“determiner les principes directeurs”) within their communal laws;

(ii) to exercise administrative powers in the manner and through such persons as may be provided by a communal law,

with respect to any matter on which they are competent to exercise legislative power under the provisions of Article 87 other than those provided in sub-paragraphs (g) and (h) of paragraph 1 of such Article for which specific provision is made in the ensuing sub-paragraphs;

(b) to exercise control on producers’ and consumers’ co-operatives and credit establishments created for the purpose of promoting the well-being of their respective Community and which will be governed by the laws;

(c) to promote the aims pursued by municipalities composed solely of members of their respective Community and to supervise in their functions such municipalities to which the laws shall apply.

2. Nothing in sub-paragraph (e) of paragraph 1 of Article 87 and in sub-paragraph (b) of paragraph 1 of this Article contained shall be construed as precluding the creation of mixed and common institutions of the nature therein provided if the inhabitants so desire.

3. In the case where the central administration shall, on its part, proceed to control the institutions, establishments or municipalities mentioned in sub-paragraphs (b) and (c) of paragraph 1 of this Article by virtue of legislation in force, such control shall be carried out through public officers belonging to the same Community as that to which the institution, establishment or municipality in question belongs.

ARTICLE 90

1. Subject to the ensuing provisions of this Article each Communal Chamber shall have power by or in its own communal laws to provide for the application (ἐφαρμογή—tatbik) of its laws and decisions.

2. A Communal Chamber shall have no power to provide in any of its laws or decisions for imprisonment or detention for any violation thereof or failure to comply with any directions given by a Communal Chamber in exercise of any power vested in it under this Constitution.

3. The Communal Chambers shall have no competence to use measures of constraint (ἀναγκαστικά μέτρα—cebir) to secure compliance with their respective communal laws or decisions and of the judgments of the Courts dealing with civil disputes relating to personal status and to religious matters within their respective competence.

4. Where it becomes necessary to use measures of constraint in compelling compliance with any law or decision of a Communal Chamber or with any matter connected with the exercise of the authority of control or supervision by a Communal Chamber such measures of constraint shall, on the application by or on behalf of the Communal Chamber, be applied by the public authorities of the Republic which shall have exclusive competence to apply such measures of constraint.

5. The execution of any judgment or order of a court in connexion with any matter within the exclusive competence of a Communal Chamber shall be carried out through the public authorities of the Republic.

ARTICLE 91

1. Each Communal Chamber shall once yearly prepare and adopt a budget of its revenue and expenditure for the ensuing financial year.

2. Such budget shall be voted by the Communal Chamber not later than the day fixed by a communal law for the commencement of the communal financial year.

ARTICLE 92

The number of the members of each Communal Chamber shall be determined by a communal law carried by a two-thirds majority of the total number of the members of the Communal Chamber concerned.

ARTICLE 93

The elections for both the Communal Chambers shall be by universal suffrage and by direct and secret ballot.

ARTICLE 94

1. Subject to paragraph 2 of this Article every citizen of the Republic who has attained the age of twenty-one years and has such residential qualifications as may be prescribed by the respective communal electoral law

shall have the right to be registered as an elector in the respective communal electoral list:

Provided that the members of the Greek Community shall only be registered in the Greek communal electoral list and the members of the Turkish Community shall only be registered in the Turkish communal electoral list.

2. No person shall be qualified to be registered as an elector who is disqualified for such registration by virtue of the respective communal electoral law.

ARTICLE 95

A person shall be qualified to be a candidate for election as a member of a Communal Chamber if at the time of the election that person—

- (a) is a citizen of the Republic and is registered in the respective communal electoral list;
- (b) has attained the age of twenty-five years;
- (c) has not been, on or after the date of the coming into operation of this Constitution, convicted of an offence involving dishonesty or moral turpitude or is not under any disqualification imposed by a competent court for an electoral offence;
- (d) is not suffering from a mental disease incapacitating such person from acting as a member of a Communal Chamber.

ARTICLE 96

1. The term of office of the Communal Chambers shall be for a period of five years commencing on such date as a communal law respectively shall appoint.

2. The outgoing Communal Chambers shall continue in office until the newly elected Communal Chambers assume office under paragraph 1 of this Article.

ARTICLE 97

1. A communal general election for a Communal Chamber shall be held at least thirty days before the expiration of the term of office of the outgoing Chamber.

2. When a vacancy occurs in the seat of a member of a Communal Chamber such vacancy shall be filled by a by-election to be held within a period not exceeding forty-five days of the occurrence of such vacancy.

3. If an election under paragraph 1 or 2 of this Article cannot take place on the date fixed by or under this Constitution owing to extraordinary and unforeseen circumstances such as earthquake, floods, general epidemic and the like, then such election shall take place on the corresponding day of the week next following.

ARTICLE 98

1. Either Communal Chamber may dissolve itself only by its own decision carried by an absolute majority.

2. Any such decision shall, notwithstanding anything contained in paragraph 1 of Article 96 and paragraph 1 of Article 97, provide for the date of the holding of the communal general election with respect to the Communal Chamber in question which shall not be less than thirty days and not more than forty days from the date of such decision and also for the date of the first meeting of the newly-elected Communal Chamber which shall not be later than fifteen days after such communal general election and until such date the outgoing Communal Chamber shall continue to be in office.

3. Notwithstanding anything contained in paragraph 1 of Article 96, the term of office of the Communal Chamber to be elected after dissolution shall be for the unexpired period of the term of office of the dissolved Communal Chamber. In case of dissolution within the last year of the five years' term of office of the Communal Chamber concerned a communal general election for such Chamber shall take place for the unexpired part of the term of office of the dissolved Communal Chamber and for the subsequent five years' period of office of such Communal Chamber.

ARTICLE 99

Whenever a Communal Chamber continues to be in office until the assumption of office by a newly-elected Communal Chamber, either under paragraph 2 of Article 96 or paragraph 2 of Article 98, it shall not have power to make any laws or take any decisions on any matter except only in case of urgent and exceptional unforeseen circumstances to be specifically stated in the relevant law or decision.

ARTICLE 100

A member of a Communal Chamber before assuming duties as such in the Communal Chamber and at a public meeting thereof shall make the following affirmation:—

“I do solemnly affirm faith to, and respect for, the Constitution and the laws made thereunder, the preservation of the independence and the territorial integrity, of the Republic of Cyprus.”

ARTICLE 101

1. The office of a member of a Communal Chamber shall be incompatible with that of a Minister or of a Representative or of a member of any municipal council including a Mayor or of a member of the armed or security forces of the Republic or with a public or municipal office and, in the case of that of a member of the Turkish Communal Chamber, with that of a religious functionary (din adamı).

2. For the purposes of this Article “public office” means any office of profit in the public service of the Republic or of a Communal Chamber the emoluments of which are under the control either of the Republic or of a Communal Chamber and includes any office in any public corporation or public utility body.

ARTICLE 102

The Communal Chambers shall, by Standing Orders, make rules relating to all matters of procedure including the holding of ordinary and extraordinary meetings, the dates and duration of such meetings, the manner of voting and the transaction of business.

ARTICLE 103

1. The meetings of the Communal Chambers shall be open to the public and the minutes of its debates shall be published.

2. Any Communal Chamber may, if it thinks necessary, hold secret sessions on a resolution carried by a two-thirds majority vote of the total number of its members.

ARTICLE 104

1. The laws or decisions passed by the Greek or the Turkish Communal Chamber shall be published in the official Gazette of the Republic immediately after being signed by the President or the Vice-President of the Republic respectively within fifteen days of the receipt by him of such laws or decisions.

2. A communal law shall come into operation on its publication in the official Gazette of the Republic unless another date is provided by such law.

ARTICLE 105

1. The President of the Republic with regard to the Greek Communal Chamber and the Vice-President of the Republic with regard to the Turkish Communal Chamber may, within fifteen days of the receipt by him of any law or decision passed by the respective Communal Chamber, return such law or decision to such Chamber for reconsideration.

2. If the Communal Chamber concerned maintains that the law or decision so returned to it shall stand, the President or the Vice-President of the Republic, as the case may be, shall sign and publish such law or decision in accordance with the provisions of the immediately preceding Article.

ARTICLE 106

1. A member of a Communal Chamber shall not be liable to civil or criminal proceedings in respect of any statement made or vote given by him in the Chamber.

2. A member of a Communal Chamber cannot without the leave of the High Court, be prosecuted, arrested or imprisoned, so long as he continues to be a member. Such leave is not required in the case of an offence punishable with death or imprisonment for five years or more in case the offender is taken in the act. In such a case the High Court, being notified forthwith by the competent authority, decides whether it should grant or refuse leave for the continuation of the prosecution or detention, as the case may be, so long as he continues to be a member.

3. If the High Court refuses to grant leave for the prosecution of a member of a Communal Chamber, the period during which such member cannot thus be prosecuted shall not be reckoned for the purposes of any period of prescription for the offence in question.

4. If the High Court refuses to grant leave for the enforcement of a sentence of imprisonment imposed on a member of a Communal Chamber by a competent court, the enforcement of such sentence shall be postponed until he ceases to be such member.

ARTICLE 107

The seat of a member of a Communal Chamber shall become vacant—

- (a) upon his death; or
- (b) upon his written resignation; or
- (c) upon the occurrence of any of the circumstances referred to in paragraph (c) or (d) of Article 95, or if he ceases to be a citizen of the Republic or if he ceases to be qualified to be registered as an elector in the respective Communal electoral list; or
- (d) upon his becoming the holder of an office mentioned in Article 101.

ARTICLE 108

1. The Greek and the Turkish Communities shall have the right to receive subsidies from the Greek or the Turkish Government respectively for institutions of education, culture, athletics and charity belonging to the Greek or the Turkish Community respectively.

2. Also where either the Greek or the Turkish Community considers that it has not the necessary number of schoolmasters, professors or clergymen (κληρικό —din adamı) for the functioning of its institutions, such Community shall have the right to obtain and employ such personnel to the extent strictly necessary to meet its needs as the Greek or the Turkish Government respectively may provide.

ARTICLE 109

Each religious group which under the provisions of paragraph 3 of Article 2 has opted to belong to one of the Communities shall have the right to be represented, by elected member or members of such group, in the Communal Chamber of the Community to which such group has opted to belong as shall be provided by a relevant communal law.

ARTICLE 110

1. The Autocephalous Greek-Orthodox Church of Cyprus shall continue to have the exclusive right of regulating and administering its own internal affairs and property in accordance with the Holy Canons and its Charter in force for the time being and the Greek Communal Chamber shall not act inconsistently with such right.

2. The institution of Vakf and the Principles and Laws of, and relating to, Vakfs are recognised by this Constitution.

All matters relating to or in any way affecting the institution or foundation of Vakf or the vakfs or any vakf properties, including properties belonging to Mosques and any other Moslem religious institution, shall be governed solely by and under the Laws and Principles of Vakfs (ahkâmül evkaf) and the laws and regulations enacted or made by the Turkish Communal Chamber, and no legislative, executive or other act whatsoever shall contravene or override or interfere with such Laws or Principles of Vakfs and with such laws and regulations of the Turkish Communal Chamber.

3. Any right with regard to religious matters possessed in accordance with the law of the Colony of Cyprus in force immediately before the date of the coming into operation of this Constitution by the Church of a religious group to which the provisions of paragraph 3 of Article 2 shall apply shall continue to be so possessed by such Church on and after the date of the coming into operation of this Constitution.

ARTICLE 111

1. Subject to the provisions of this Constitution any matter relating to betrothal, marriage, divorce, nullity of marriage, judicial separation or restitution of conjugal rights or to family relations other than legitimation by order of the court or adoption of members of the Greek-Orthodox Church or of a religious group to which the provisions of paragraph 3 of Article 2 shall apply shall, on and after the date of the coming into operation of this Constitution, be governed by the law of the Greek-Orthodox Church or of the Church of such religious group, as the case may be, and shall be cognizable by a tribunal of such Church and no Communal Chamber shall act inconsistently with the provisions of such law.

2. Nothing in paragraph 1 of this Article contained shall preclude the application of the provisions of paragraph 5 of Article 90 to the execution of any judgment or order of any such tribunal.

PART VI.—THE INDEPENDENT OFFICERS OF THE REPUBLIC

CHAPTER I

The Attorney-General of the Republic and the Deputy Attorney-General of the Republic

ARTICLE 112

1. The President and the Vice-President of the Republic shall appoint jointly two persons who are qualified for appointment as a judge of the High Court one to be the Attorney-General of the Republic and the other to be the Deputy Attorney-General of the Republic:

Provided that the Attorney-General and the Deputy Attorney-General of the Republic shall not belong to the same Community.

2. The Attorney-General of the Republic shall be the Head and the Deputy Attorney-General of the Republic shall be the Deputy Head of the Law Office of the Republic which shall be an independent office and shall not be under any Ministry.

3. The Attorney-General and the Deputy Attorney-General of the Republic shall have the right of audience in, and shall take precedence over any other persons appearing before, any court:

Provided that the Attorney-General of the Republic shall always take precedence over the Deputy Attorney-General of the Republic.

4. The Attorney-General and the Deputy Attorney-General of the Republic shall be members of the permanent legal service of the Republic and shall hold office under the same terms and conditions as a judge of the High Court other than its President and shall not be removed from office except on the like grounds and in the like manner as such judge of the High Court.

5. In all matters affecting persons belonging to the Community of the Attorney-General of the Republic or of the Deputy Attorney-General of the Republic, as the case may be, the one belonging to such Community shall be consulted by the other before any decision is taken by the Attorney-General of the Republic:

Provided that for the prosecutions in the courts exercising criminal jurisdiction composed of judges of one Community, the Attorney-General of the Republic or the Deputy Attorney-General of the Republic, as the case may be, belonging to that Community, shall have the effective charge and responsibility.

ARTICLE 113

1. The Attorney-General of the Republic assisted by the Deputy Attorney-General of the Republic shall be the legal adviser of the Republic and of the President and of the Vice-President of the Republic and of the Council of Ministers and of the Ministers and shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him by this Constitution or by law.

2. The Attorney-General of the Republic shall have power, exercisable at his discretion in the public interest, to institute, conduct, take over and continue or discontinue any proceedings for an offence against any person in the Republic. Such power may be exercised by him in person or by officers subordinate to him acting under and in accordance with his instructions.

ARTICLE 114

1. The Deputy Attorney-General of the Republic shall have such powers and shall perform such duties as normally appertain to his office and also shall, subject to the directions of the Attorney-General of the Republic, exercise

all the powers and perform all the functions and the duties vested in the Attorney-General of the Republic under the provisions of this Constitution or by law.

2. The Deputy Attorney-General of the Republic shall act for the Attorney-General of the Republic in case of his absence or his temporary incapacity to perform his duties.

CHAPTER II

The Auditor-General and the Deputy Auditor-General

ARTICLE 115

1. The President and the Vice-President of the Republic shall appoint jointly two fit and proper persons one to be the Auditor-General and the other to be the Deputy Auditor-General:

Provided that the Auditor-General and the Deputy Auditor-General shall not belong to the same Community.

2. The Auditor-General shall be the Head and the Deputy Auditor-General shall be the Deputy Head of the Audit Office of the Republic which shall be an independent office and shall not be under any Ministry.

3. The Auditor-General and the Deputy Auditor-General shall be members of the permanent public service of the Republic and shall not be retired or removed from office except on the like grounds and in like manner as a judge of the High Court.

ARTICLE 116

1. The Auditor-General assisted by the Deputy Auditor-General shall, on behalf of the Republic, control all disbursements and receipts and audit and inspect all accounts of moneys and other assets administered, and of liabilities incurred, by or under the authority of the Republic and for this purpose he shall have the right of access to all books, records and returns relating to such accounts and to places where such assets are kept.

2. The Auditor-General assisted by the Deputy Auditor-General shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him by law.

3. The powers, functions and duties of the Auditor-General provided in this Chapter may be exercised by him in person or by such subordinate officers acting under and in accordance with his instructions.

4. The Auditor-General shall submit annually a report on the exercise of his functions and duties under this Chapter to the President and the Vice-President of the Republic who shall cause it to be laid before the House of Representatives.

ARTICLE 117

1. The Deputy Auditor-General shall have such powers and shall perform such functions and duties as normally appertain to his office and also shall, subject to the directions of the Auditor-General, exercise all the powers and perform all the functions and duties vested in the Auditor-General under the provisions of this Constitution or by law.

2. The Deputy Auditor-General shall act for the Auditor-General in case of his absence or his temporary incapacity to perform his duties.

CHAPTER III

The Governor and the Deputy Governor of the Issuing Bank of the Republic

ARTICLE 118

1. The President and the Vice-President of the Republic shall appoint jointly two fit and proper persons one to be the Governor and the other to be the Deputy-Governor of the Issuing Bank of the Republic:

Provided that the Governor and the Deputy-Governor of the Issuing Bank of the Republic shall not belong to the same Community.

2. The Governor of the Issuing Bank of the Republic shall be the Head and the Deputy-Governor of the Issuing Bank shall be the Deputy Head of the Issuing Bank of the Republic which shall not be under any Ministry.

3. The Governor and the Deputy-Governor of the Issuing Bank of the Republic shall be either members of the permanent public service or shall be persons appointed under such terms and conditions as laid down in the instruments of their appointment.

4. The President and the Vice-President of the Republic acting jointly may, at any time, terminate the appointment of either the Governor or the Deputy-Governor of the Issuing Bank of the Republic or both as such Governor or Deputy-Governor, as the case may be.

5. In the case of such termination the Governor or the Deputy-Governor of the Issuing Bank of the Republic or both, as the case may be, shall, subject to paragraph 6 of this Article, and to the provisions of this Constitution relating to the public service of the Republic, be given other suitable post in the permanent public service of the Republic if such Governor or Deputy-Governor was, immediately before such termination, a member of such service.

6. Any disciplinary matter in connexion with the exercise of the functions of the Governor and the Deputy-Governor of the Issuing Bank of the Republic shall be within the competence of the Council established under paragraph 8 of Article 153.

ARTICLE 119

1. The Governor of the Issuing Bank of the Republic assisted by the Deputy-Governor of the Issuing Bank of the Republic shall administer the currency laws of the Republic and shall be in charge of the management of the Issuing Bank of the Republic and shall exercise all other powers and perform all other functions and duties within the domain of the Issuing Bank of the Republic.

2. The Governor of the Issuing Bank of the Republic assisted by the Deputy-Governor of the Issuing Bank of the Republic shall exercise all such powers and shall perform all such other functions as are conferred or imposed on him by law.

3. The powers, functions and duties of the Governor of the Issuing Bank of the Republic provided in this Chapter may be exercised by him in person or by such subordinate officers acting under and in accordance with his instructions.

4. The Governor assisted by the Deputy-Governor of the Issuing Bank of the Republic shall, with regard to the financial policy relating to his office, carry out the decisions of the Council of Ministers in this respect and the provisions of any law and, with regard to the manner of the carrying out of such policy, he shall consult and be guided by the advice of the Minister of Finance.

5. The Governor of the Issuing Bank of the Republic shall submit half yearly reports on the state of currency, funds and securities of the Republic to the President and the Vice-President of the Republic who shall cause such reports to be laid before the House of Representatives.

ARTICLE 120

1. The Deputy-Governor of the Issuing Bank of the Republic shall have such powers and shall perform such functions and duties as normally appertain to his office and also shall, subject to the directions of the Governor of the Issuing Bank of the Republic, exercise all the powers and perform all the functions and duties vested in the Governor of the Issuing Bank of the Republic under the provisions of this Constitution or by law.

2. The Deputy-Governor of the Issuing Bank of the Republic shall act for the Governor of the Issuing Bank of the Republic in case of his absence or his temporary incapacity to perform his duties.

ARTICLE 121

Nothing in this Chapter contained shall be construed as precluding the Issuing Bank of the Republic from becoming a Central Bank:

Provided that in such a case, subject to the provisions of this Chapter, the Governor and the Deputy-Governor of the Issuing Bank of the Republic shall be respectively the Governor and the Deputy-Governor of the Central Bank of the Republic.

PART VII.—THE PUBLIC SERVICE

CHAPTER I

General

ARTICLE 122

For the purposes of this Chapter, unless the context otherwise requires—

“public office” means an office in the public service;

“public officer” means the holder, whether substantive or temporary or acting, of a public office;

“public service” means any service under the Republic other than service in the army or the security forces of the Republic and includes service under the Cyprus Broadcasting Corporation, the Cyprus Inland Telecommunications Authority and the Electricity Authority of Cyprus and any other public corporate or unincorporate body created in the public interest by a law and either the funds of which are provided or guaranteed by the Republic or, if the enterprise is carried out exclusively by such body, its administration is carried out under the control of the Republic, but does not include service in an office the appointment to or the filling of which is, under this Constitution, made jointly by the President and the Vice-President of the Republic or service by workmen except those who are regularly employed in connexion with permanent works of the Republic or any such body as aforesaid.

ARTICLE 123

1. The public service shall be composed as to seventy per centum of Greeks and as to thirty per centum of Turks.

2. This quantitative distribution shall be applied, so far as this will be practically possible, in all grades of the hierarchy in the public service.

3. In regions or localities where one of the two Communities is in a majority approaching one hundred per centum the public officers posted for, or entrusted with, duty in such regions or localities shall belong to that Community.

ARTICLE 124

1. There shall be a Public Service Commission consisting of a Chairman and nine other members appointed jointly by the President and the Vice-President of the Republic.

2. Seven members of the Commission shall be Greeks and three members shall be Turks.

3. Each member of the Commission shall be appointed for a period of six years, but he may at any time resign his office by writing under his hand addressed to the President and the Vice-President of the Republic.

4. The remuneration and other conditions of service of a member of the Commission shall be provided by a law and shall not be altered to his disadvantage after his appointment.

5. A member of the Commission shall not be removed from office except on the like grounds and in the like manner as a judge of the High Court.

6. (1) No person shall be appointed as a member of the Commission unless he is a citizen of the Republic, of high moral character and has the qualifications for election as a member of the House of Representatives.

(2) No person shall be appointed as, or be, a member of the Commission who is, or within the preceding twelve months in the case of the Chairman or six months in the case of any other member, has been—

(a) a Minister;

(b) a member of the House of Representatives or of any Communal Chamber;

(c) a public officer or a member of any of the armed forces;

(d) an officer or employee of any local authority or of a body corporate or authority established by law for public purposes;

(e) a member of a trade union or of a body or association affiliated to a trade union.

7. Where, during any period, a member of the Commission has been granted leave of absence or is unable, owing to absence from the Republic, or to any other cause, to discharge his functions as a member, the President and the Vice-President of the Republic may jointly appoint at his place any person who would be qualified to be appointed to exercise such functions, during that period.

ARTICLE 125

1. Save where other express provision is made in this Constitution with respect to any matter set out in this paragraph and subject to the provisions of any law, it shall be the duty of the Public Service Commission to make the allocation of public offices between the two Communities and to appoint, confirm, emplace on the permanent or pensionable establishment, promote, transfer, retire and exercise disciplinary control over, including dismissal or removal from office of, public officers.

2. The Chairman shall convene the meetings of the Commission and shall preside thereat:

Provided that—

(a) no meeting shall be held unless prior notice thereof has been given to all the members;

(b) on an equality of votes the Chairman shall not have a second or casting vote.

3. (1) Subject to the ensuing provisions of this paragraph any decision of the Commission shall be taken by an absolute majority vote of its members.

(2) If the question relates to an appointment or promotion to fill a vacant or newly created post, the decision whether such post shall be filled, under the provisions of this Constitution, by a Greek or a Turk, shall be taken by such absolute majority vote including at least the votes of two Turkish members of the Commission:

Provided that if such a decision cannot be taken on such majority, the question shall be referred by the Commission to the Supreme Constitutional Court for a decision; the decision of such Court shall be final and binding on the Commission.

(3) Where the question relates solely to a Turk any decision of the Commission shall be taken by such an absolute majority vote including the votes of at least two Turkish members. Where the question relates solely to a Greek, any decision of the Commission shall be taken by such an absolute majority vote including the votes of at least four Greek members.

(4) Where the question relates to the selection of the Greek or the Turk to be appointed or promoted, the decision shall, subject to sub-paragraph (3) of this paragraph, be taken by an absolute majority vote:

Provided that the unanimous recommendation, of five Greek members in the case of the selection of a Greek, or of the three Turkish members in the case of the selection of a Turk, shall be acted upon by the Commission.

CHAPTER II

The Accountant-General and the Deputy Accountant-General

ARTICLE 126

1. The President and the Vice-President of the Republic shall appoint jointly two fit and proper persons one to be the Accountant-General and the other to be the Deputy Accountant-General:

Provided that the Accountant-General and the Deputy Accountant-General shall not belong to the same Community.

2. The Accountant-General shall be the Head and the Deputy Accountant-General shall be the Deputy Head of the Treasury.

3. The Accountant-General and the Deputy Accountant-General shall be members of the permanent public service of the Republic.

4. The retirement and any disciplinary control, including dismissal or removal from office, of the Accountant-General and the Deputy Accountant-General shall be within the competence of the Public Service Commission.

ARTICLE 127

1. The Accountant-General assisted by the Deputy Accountant-General shall manage and supervise all accounting operations in respect of all moneys and other assets administered, and of liabilities incurred, by or under the authority of the Republic and, subject to the provisions of this Constitution or of any law, shall receive and make all the disbursements of moneys of the Republic.

2. The Accountant-General assisted by the Deputy Accountant-General shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him by law.

3. The powers, functions and duties of the Accountant-General provided in this Chapter may be exercised by him in person or by such subordinate officers acting under and in accordance with his instructions.

ARTICLE 128

1. The Deputy Accountant-General shall have such powers and shall perform such functions and duties as normally appertain to his office and also shall, subject to the directions of the Accountant-General, exercise all the powers and perform all the functions and duties vested in the Accountant-General under the provisions of this Constitution or by law.

2. The Deputy Accountant-General shall act for the Accountant-General in case of his absence or his temporary incapacity to perform his duties.

PART VIII.—THE FORCES OF THE REPUBLIC

ARTICLE 129

1. The Republic shall have an army of two thousand men of whom sixty per centum shall be Greeks and forty per centum shall be Turks.

2. Compulsory military service shall not be instituted except by common agreement of the President and the Vice-President of the Republic.

ARTICLE 130

1. The security forces of the Republic shall consist of the police and gendarmerie and shall have a contingent of two thousand men which may be reduced or increased by common agreement of the President and the Vice-President of the Republic.

2. The security forces of the Republic shall be composed as to seventy per centum of Greeks and as to thirty per centum of Turks:

Provided that for an initial period and in order not to discharge those Turks serving in the police on the 11th February, 1959, except those serving in the auxiliary police, the percentage of Turks may be kept up to a maximum of forty per centum and consequently that of the Greeks may be reduced to sixty per centum.

ARTICLE 131

1. The Heads and Deputy Heads of the army, the police and the gendarmerie of the Republic shall be appointed jointly by the President and the Vice-President of the Republic.

2. One of the Heads of the army, the police and the gendarmerie shall be a Turk and where the Head of the army, the police and the gendarmerie belongs to one Community the Deputy Head shall belong to the other Community.

ARTICLE 132

Forces which are stationed in parts of the territory of the Republic inhabited in a proportion approaching one hundred per centum only by members of one Community shall belong to that Community.

PART IX.—THE SUPREME CONSTITUTIONAL COURT

ARTICLE 133

1. (1) There shall be a Supreme Constitutional Court of the Republic composed of a Greek, a Turk and a neutral judge. The neutral judge shall be the President of the Court.

(2) The President and the other judges of the Supreme Constitutional Court shall be appointed jointly by the President and the Vice-President of the Republic:

Provided that in the case of a vacancy solely in the post of either the Greek or the Turkish judge the proposal of the President or the Vice-President of the Republic to whose Community the judge to be appointed shall belong shall prevail if the President and the Vice-President of the Republic do not agree on the appointment within a week of such proposal.

2. The seat of the Supreme Constitutional Court shall be in the capital of the Republic.

3. The neutral judge shall not be a subject or a citizen of the Republic or of the Kingdom of Greece or of the Republic of Turkey or of the United Kingdom and the Colonies.

4. The Greek and the Turkish judge of the Supreme Constitutional Court shall be a citizen of the Republic.

5. The President and the other judges of the Supreme Constitutional Court shall be appointed from amongst lawyers of high professional and moral standard.

6. (1) The President of the Court shall be appointed for a period of six years.

(2) The remuneration and other conditions of service of the President of the Court shall be laid down in the instrument of his appointment.

(3) The conditions of service of the President of the Court to be laid down in the instrument of his appointment as provided in sub-paragraph (2) of this paragraph shall include—

(a) provision for his retirement on the same grounds as those on which the Greek or the Turkish judge may be retired under sub-paragraph (3) of paragraph 7 of this Article; and

(b) provision for his dismissal on the same grounds as those on which such Greek or Turkish judge may be dismissed under sub-paragraph (4) of paragraph 7 of this Article.

7. (1) The Greek and the Turkish judge of the Court shall be permanent members of the judicial service of the Republic and shall hold office until they attain the age of sixty-eight.

(2) Without prejudice to any retirement pension, gratuity or any other like benefit he may have acquired under the provisions of any law, the Greek or the Turkish judge of the Court may at any time resign his office by writing under his hand addressed to the President and the Vice-President of the Republic.

(3) The Greek or the Turkish judge of the Court shall be retired on account of such mental or physical incapacity or infirmity as would render him incapable of discharging the duties of his office either permanently or for such period of time as would render it impracticable for him to continue in office. A judge so retired shall be entitled to all benefits and emoluments provided by any law in force for the time being.

(4) The Greek or the Turkish judge of the Court may be dismissed on the ground of misconduct.

8. (1) There shall be established a Council consisting of the President of the High Court as Chairman and the senior in appointment Greek judge and the Turkish judge of the High Court as members.

(2) This Council shall have exclusive competence to determine all matters relating to—

- (a) the retirement, dismissal or otherwise the termination of the appointment of the President of the Court in accordance with the conditions of service laid down in the instrument of his appointment;
- (b) the retirement or dismissal of the Greek or the Turkish judge of the Court on any of the grounds provided in sub-paragraphs (3) and (4) of paragraph 7 of this Article.

(3) The proceedings of the Council under sub-paragraph (2) of this paragraph shall be of a judicial nature and the judge concerned shall be entitled to be heard and present his case before the Council.

(4) The decision of the Council taken by a majority shall be binding upon the President and the Vice-President of the Republic who shall jointly act accordingly.

9. In the case of temporary absence or incapacity of the President or of the Greek judge or of the Turkish judge of the Court, the President of the High Court or the senior in appointment of the two Greek judges or the Turkish judge thereof respectively shall act in his place during such temporary absence or incapacity.

10. No action shall be brought against the President or any other judge of the Court for any act done or words spoken in his judicial capacity.

11. The remuneration and other conditions of service of the Greek and the Turkish judge of the Court shall be fixed by a law.

12. The remuneration and other conditions of service of any judge of the Court shall not be altered to his disadvantage after his appointment.

ARTICLE 134

1. The sittings of the Supreme Constitutional Court for the hearing of all proceedings shall be public but the Court may hear any proceedings in the presence only of the parties, if any, and the officers of the Court if it considers that such a course will be in the interest of the orderly conduct of the proceedings or if the security of the Republic or public morals so require.

2. When a recourse appears to be *prima facie* frivolous the Court may, after hearing arguments by or on behalf of the parties concerned, unanimously dismiss such recourse without a public hearing if satisfied that such recourse is in fact frivolous.

ARTICLE 135

The Supreme Constitutional Court shall make Rules of Court for regulating the practice and procedure of the Court in the exercise of jurisdiction conferred upon it by this Constitution, for prescribing forms and fees in respect of proceedings in the Court and for prescribing and regulating the composition of its registry and the powers and the duties of the officers thereof.

ARTICLE 136

The Supreme Constitutional Court shall have exclusive jurisdiction to adjudicate finally on all matters as provided in the ensuing Articles.

ARTICLE 137

1. The President and the Vice-President of the Republic, either separately or conjointly, shall have a right of recourse to the Supreme Constitutional Court under the provisions of this Article on the ground that any law or decision of the House of Representatives or any provision thereof discriminates against either of the two Communities.

2. A recourse under paragraph 1 of this Article shall be made within seventy-five days of the promulgation of any such law or decision.

3. Notice of the filing of such a recourse shall be published in the official Gazette of the Republic by the President and the Vice-President of the Republic within a period of twenty-four hours from such filing. Upon the publication of such notification in the official Gazette of the Republic the operation of such law or decision shall be suspended from the day following such publication until the Supreme Constitutional Court determines such recourse.

4. Upon such recourse the Court may confirm or annul such law or decision or any provision thereof or return it to the House of Representatives for reconsideration, in whole or in part:

Provided that in the case of annulment of a law or decision or any provision thereof such annulment shall operate from the date of the publication of the decision of the Supreme Constitutional Court under paragraph 5 of this Article without prejudice to anything done or left undone under such law or decision or provision thereof.

5. The decision of the Court shall be notified forthwith to the President and the Vice-President of the Republic and to the President and the Vice-President of the House of Representatives and shall be published forthwith by the President and the Vice-President of the Republic in the official Gazette of the Republic.

ARTICLE 138

1. Where on the adoption of the Budget by the House of Representatives the President and the Vice-President of the Republic, either separately or conjointly, has or have exercised his or their right to return it to the House of Representatives on the ground that in his or their judgment there is a discrimination and the House has persisted in its decision, the President and the Vice-President of the Republic, either separately or conjointly, as the case may be, shall have a right of recourse to the Supreme Constitutional Court on such ground.

2. Such recourse shall be made within the period fixed by this Constitution for the promulgation of the laws or decisions of the House of Representatives.

3. Upon such a recourse the Court may annul or confirm the Budget or return it to the House of Representatives, in whole or in part.

4. The decision of the Court shall be notified forthwith to the President and the Vice-President of the Republic and to the President and the Vice-President of the House of Representatives and shall be published forthwith by the President and the Vice-President of the Republic in the official Gazette of the Republic.

ARTICLE 139

1. The Supreme Constitutional Court shall have jurisdiction to adjudicate finally on a recourse made in connexion with any matter relating to any conflict or contest of power or competence arising between the House of Representatives and the Communal Chambers or any one of them and between any organs of, or authorities in, the Republic:

Provided that nothing in this paragraph contained shall apply to any conflict or contest between any courts or judicial authorities in the Republic, which conflict or contest shall be decided by the High Court.

For the purposes of this paragraph the expression "courts or judicial authorities in the Republic" does not include the Supreme Constitutional Court.

2. Where any question arises as to the competence of the Supreme Constitutional Court regarding any matter, such question shall be determined by the Supreme Constitutional Court.

3. Recourse to the Court under paragraph 1 of this Article may be made by—

- (a) the President or the Vice-President of the Republic; or
- (b) the House of Representatives; or
- (c) one of, or both the Communal Chambers; or
- (d) any other organ of, or authority in, the Republic,

if involved in such conflict or contest.

4. Such recourse shall be made within thirty days of the date when such power or competence is contested.

5. Upon such a recourse the Court may declare that the law or the decision or the act, the subject or the recourse, is void, either from the time when the conflict or contest arose or ab initio, and without any legal effect whatsoever, either in whole or in part, on the ground that such law or decision or act was made or taken or done without power or competence, and in either case the Court may give directions as to the effect of anything done or left undone under such law or decision or act.

6. Any decision of the Court upon such recourse shall be forthwith notified to the parties concerned and to the President and the Vice-President of the Republic who shall forthwith publish it in the official Gazette of the Republic.

7. Upon a recourse under this Article the Court may order that the operation of the law or decision or act, as the case may be, which is the subject matter of such recourse, shall be suspended until the determination of the recourse; such order shall be published forthwith in the official Gazette of the Republic.

ARTICLE 140

1. The President and the Vice-President of the Republic acting jointly may, at any time prior to the promulgation of any law or decision of the House of Representatives, refer to the Supreme Constitutional Court for its opinion the question as to whether such law or decision or any specified provision thereof is repugnant to or inconsistent with any provision of this Constitution, otherwise than on the ground that such law or decision or any provision thereof discriminates against either of the two Communities.

2. The Supreme Constitutional Court shall consider every question referred to it under paragraph 1 of this Article and having heard arguments on behalf of the President and the Vice-President of the Republic and on behalf of the House of Representatives shall give its opinion on such question and notify the President and the Vice-President of the Republic and the House of Representatives accordingly.

3. In case the Supreme Constitutional Court is of the opinion that such law or decision or any provision thereof is repugnant to or inconsistent with any provision of this Constitution such law or decision or such provision thereof shall not be promulgated by the President and the Vice-President of the Republic.

ARTICLE 141

1. The President or the Vice-President of the Republic may, at any time prior to the promulgation of any law imposing any formalities, conditions or restrictions on the right guaranteed by Article 25, refer to the Supreme Constitutional Court for its opinion the question as to whether such formality, condition or restriction is not in the public interest or is contrary to the interests of his Community.

2. The Supreme Constitutional Court shall consider such question and having heard arguments on behalf of the President or the Vice-President of the Republic, as the case may be, and on behalf of the House of Representatives shall give its opinion and notify the President and the Vice-President of the Republic and the House of Representatives accordingly.

3. In case the Supreme Constitutional Court is of opinion that such formality, condition or restriction is not in the public interest or is contrary to the interests of such Community such law or any provision thereof prescribing such formality, condition or restriction shall not be promulgated by the President and the Vice-President of the Republic.

ARTICLE 142

1. The President of the Republic with regard to any law or decision of the Greek Communal Chamber and the Vice-President of the Republic with regard to any law or decision of the Turkish Communal Chamber, may, at any time prior to the publication of such law or decision, refer to the Supreme Constitutional Court for its opinion the question as to whether such law or decision or any specified provision thereof is repugnant to or inconsistent with any provision of this Constitution.

2. The Supreme Constitutional Court shall consider every question referred to it under paragraph 1 of this Article and having heard arguments on behalf of the President or the Vice-President of the Republic, as the case may be, and on behalf of the Communal Chamber concerned, shall give its opinion on such question and notify accordingly the President or the Vice-President of the Republic, as the case may be, and the Communal Chamber concerned.

3. In case the Supreme Constitutional Court is of the opinion that such law or decision or any provision thereof is repugnant to or inconsistent with any provision of this Constitution such law or decision or such provision thereof shall not be published by the President or the Vice-President of the Republic, as the case may be.

ARTICLE 143

1. The President or the Vice-President of the Republic or Representatives consisting of at least one-fifth of the total number of a newly-elected House of Representatives shall have a right of recourse to the Supreme Constitutional Court on the question whether there exist such urgent and exceptional unforeseen circumstances as to justify a House of Representatives which continues to be in office until the assumption of office of a newly-elected House to make any laws or take any decisions as in Article 68 provided.

2. Such recourse, if made by the President or the Vice-President of the Republic shall be made within the period provided by this Constitution for the promulgation of the laws and decisions of the House of Representatives, and if made by such Representatives shall be made within fifteen days of the date when the new House first meets.

3. The decision of the Court shall be notified forthwith to the President and the Vice-President of the Republic and to the President and the Vice-President of the House of Representatives and shall be published forthwith by the President and the Vice-President of the Republic in the official Gazette of the Republic.

ARTICLE 144

1. A party to any judicial proceedings, including proceedings on appeal, may, at any stage thereof, raise the question of the unconstitutionality of any law or decision or any provision thereof material for the determination of any matter at issue in such proceedings and thereupon the Court before which

such question is raised shall reserve the question for the decision of the Supreme Constitutional Court and stay further proceedings until such question is determined by the Supreme Constitutional Court.

2. The Supreme Constitutional Court, on a question so reserved, shall, after hearing the parties, consider and determine the question so reserved and transmit its decision to the Court by which such question has been reserved.

3. Any decision of the Supreme Constitutional Court under paragraph 2 of this Article shall be binding on the court by which the question has been reserved and on the parties to the proceedings and shall, in case such decision is to the effect that the law or decision or any provision thereof is unconstitutional, operate as to make such law or decision inapplicable to such proceedings only.

ARTICLE 145

The Supreme Constitutional Court shall have exclusive jurisdiction to adjudicate finally on any election petition, made under the provisions of the Electoral Law, with regard to the elections of the President or the Vice-President of the Republic or of members of the House of Representatives or of any Communal Chamber.

ARTICLE 146

1. The Supreme Constitutional Court shall have exclusive jurisdiction to adjudicate finally on a recourse made to it on a complaint that a decision, an act or omission of any organ, authority or person, exercising any executive or administrative authority is contrary to any of the provisions of this Constitution or of any law or is made in excess or in abuse of powers vested in such organ or authority or person.

2. Such a recourse may be made by a person whose any existing legitimate interest, which he has either as a person or by virtue of being a member of a Community, is adversely and directly affected by such decision or act or omission.

3. Such a recourse shall be made within seventy-five days of the date when the decision or act was published or, if not published and in the case of an omission, when it came to the knowledge of the person making the recourse.

4. Upon such a recourse the Court may, by its decision—

- (a) confirm, either in whole or in part, such decision or act or omission; or
- (b) declare, either in whole or in part, such decision or act to be null and void and of no effect whatsoever; or
- (c) declare that such omission, either in whole or in part, ought not to have been made and that whatever has been omitted should have been performed.

5. Any decision given under paragraph 4 of this Article shall be binding on all courts and all organs or authorities in the Republic and shall be given effect to and acted upon by the organ or authority or person concerned.

6. Any person aggrieved by any decision or act declared to be void under paragraph 4 of this Article or by any omission declared thereunder that it

ought not to have been made shall be entitled, if his claim is not met to his satisfaction by the organ, authority or person concerned, to institute legal proceedings in a court for the recovery of damages or for being granted other remedy and to recover just and equitable damages to be assessed by the court or to be granted such other just and equitable remedy as such court is empowered to grant.

ARTICLE 147

The Supreme Constitutional Court shall have exclusive jurisdiction to adjudicate finally on a motion made by the Attorney-General and the Deputy Attorney-General of the Republic, in accordance with the provisions of paragraph 3 of Article 44, with regard to the question of the existence of such permanent or temporary incapacity, or absence, otherwise than temporary, of the President or the Vice-President of the Republic, as would prevent him to perform effectively his duties as in sub-paragraph (d) of paragraph 1 of Article 44 provided.

ARTICLE 148

Subject to the provisions of paragraph 3 of Article 144, any decision of the Supreme Constitutional Court on any matter within its jurisdiction or competence shall be binding on all courts, organs, authorities and persons in the Republic.

ARTICLE 149

The Supreme Constitutional Court shall have exclusive jurisdiction—

- (a) to determine any conflict between the two texts of this Constitution by reference to the text of the draft of this Constitution signed at Nicosia on the 6th April, 1960, in the Joint Constitutional Commission together with the schedule of amendments thereto signed on* by representatives of the Kingdom of Greece, the Republic of Turkey and the Greek and Turkish Cypriot communities, due regard being had to the letter and spirit of the Zurich Agreement dated the 11th February, 1959, and of the London Agreement dated the 19th of February, 1959;
- (b) to make, in case of ambiguity, any interpretation of this Constitution, due regard being had to the letter and spirit of the Zurich Agreement dated the 11th February, 1959, and of the London Agreement dated the 19th February, 1959.

ARTICLE 150

The Supreme Constitutional Court shall have jurisdiction to punish for contempt of itself.

ARTICLE 151

1. Notwithstanding anything in the foregoing provisions of this Part, the Supreme Constitutional Court shall have exclusive competence to decide finally on a reference made to it by the Public Service Commission under sub-paragraph (2) of paragraph 3 of Article 125.

2. Nothing in this Article contained shall preclude any recourse to the Supreme Constitutional Court under Article 146 on a complaint concerning any decision, act or omission of the Public Service Commission.

* Note : date to be inserted later.

PART X.—THE HIGH COURT AND THE SUBORDINATE COURTS

ARTICLE 152

1. The judicial power, other than that exercised under Part IX by the Supreme Constitutional Court and under paragraph 2 of this Article by the courts provided by a communal law, shall be exercised by a High Court of Justice and such inferior courts as may, subject to the provisions of this Constitution, be provided by a law made thereunder.

2. The judicial power with respect to civil disputes relating to personal status and to religious matters which are reserved under Article 87 for the Communal Chambers shall be exercised by such courts as a communal law made under the provisions of this Constitution shall provide.

ARTICLE 153

1. (1) There shall be a High Court of Justice composed of two Greek judges, one Turkish judge and a neutral judge. The neutral judge shall be the President of the Court and shall have two votes.

(2) The President and the other judges of the High Court shall be appointed jointly by the President and the Vice-President of the Republic:

Provided that in the case of a vacancy solely in the post of either a Greek judge or the Turkish judge the proposal of the President or the Vice-President of the Republic to whose Community the judge to be appointed shall belong shall prevail if the President and the Vice-President of the Republic do not agree on the appointment within a week of such proposal.

2. The seat of the High Court shall be in the capital of the Republic.

3. The neutral judge shall not be a subject or a citizen of the Republic or of the Kingdom of Greece or of the Republic of Turkey or of the United Kingdom and the Colonies.

4. The Greek judges and the Turkish judge of the High Court shall be citizens of the Republic.

5. The President and the other judges of the High Court shall be appointed from amongst lawyers of high professional and moral standard.

6. (1) The President of the High Court shall be appointed for a period of six years.

(2) The remuneration and other conditions of service of the President of the High Court shall be laid down in the instrument of his appointment.

(3) The conditions of service of the President of the High Court to be laid down in the instrument of his appointment as provided in sub-paragraph (2) of this paragraph shall include—

(a) provision for his retirement on the same grounds as those on which a Greek or the Turkish judge may be retired under sub-paragraph (3) of paragraph 7 of this Article; and

(b) provision for his dismissal on the same grounds as those on which such Greek or Turkish judge may be dismissed under sub-paragraph (4) of paragraph 7 of this Article.

7. (1) The Greek judges and the Turkish judge of the High Court shall be permanent members of the judicial service of the Republic and shall hold office until they attain the age of sixty-eight.

(2) Without prejudice to any retirement pension, gratuity or any other like benefit he may have acquired under the provisions of any law, any Greek judge or the Turkish judge of the High Court may at any time resign his office by writing under his hand addressed to the President and the Vice-President of the Republic.

(3) Any Greek or the Turkish judge of the High Court shall be retired on account of such mental or physical incapacity or infirmity as would render him incapable of discharging the duties of his office either permanently or for such period of time as would render it impracticable for him to continue in office. A judge so retired shall be entitled to all benefits and emoluments provided by any law in force for the time being.

(4) A Greek or the Turkish judge of the High Court may be dismissed on the ground of misconduct.

8. (1) There shall be established a Council consisting of the President of the Supreme Constitutional Court as Chairman and the Greek and the Turkish judge of the Supreme Constitutional Court as members.

(2) This Council shall have exclusive competence to determine all matters relating to—

(a) the retirement, dismissal or otherwise the termination of the appointment of the President of the High Court in accordance with the conditions of service laid down in the instrument of his appointment;

(b) the retirement or dismissal of any Greek judge or the Turkish judge of the High Court on any of the grounds provided in sub-paragraphs (3) and (4) of paragraph 7 of this Article.

(3) The proceedings of the Council under sub-paragraph (2) of this paragraph shall be of a judicial nature and the judge concerned shall be entitled to be heard and present his case before the Council.

(4) The decision of the Council taken by a majority shall be binding upon the President and the Vice-President of the Republic who shall jointly act accordingly.

9. In the case of temporary absence or incapacity of the President of the High Court or of one of the Greek judges or of the Turkish judge thereof the President of the Supreme Constitutional Court or the Greek judge or the Turkish judge thereof respectively shall act in his place during such temporary absence or incapacity :

Provided that if it is impracticable or inconvenient for the Greek or the Turkish judge of the Supreme Constitutional Court to act, the senior in office Greek or Turkish judge in the judicial service of the Republic shall so act respectively.

10. No action shall be brought against the President or any other judge of the High Court for any act done or words spoken in his judicial capacity.

11. The remuneration and other conditions of service of the Greek judges and of the Turkish judge of the High Court shall be fixed by a law.

12. The remuneration and other conditions of service of any judge of the High Court shall not be altered to his disadvantage after his appointment.

ARTICLE 154

The sittings of the High Court for the hearing of all proceedings shall be public but the court may hear any proceedings in the presence only of the parties, if any, and the officers of the court if it considers that such a course will be in the interest of the orderly conduct of the proceedings or if the security of the Republic or public morals so require.

ARTICLE 155

1. The High Court shall be the highest appellate court in the Republic and shall have jurisdiction to hear and determine, subject to the provisions of this Constitution and of any Rules of Court made thereunder, all appeals from any court other than the Supreme Constitutional Court.

2. Subject to paragraphs 3 and 4 of this Article the High Court shall have such original and revisional jurisdiction as is provided by this Constitution or as may be provided by a law :

Provided that where original jurisdiction is so conferred, such jurisdiction shall, subject to Article 159, be exercised by such judge or judges of the High Court as the High Court shall determine :

Provided further that there shall be a right of appeal to the High Court from their decision.

3. The High Court shall, to the exclusion of any other court, determine the composition of the court which is to try a civil case where the plaintiff and the defendant belong to different Communities and of the court which is to try a criminal case in which the accused and the injured party belong to different Communities. Such court shall be composed of judges belonging to both the Greek and the Turkish Communities.

4. The High Court shall have exclusive jurisdiction to issue orders in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari.

ARTICLE 156

The following offences in the first instance shall be tried by a court composed of such judges belonging to both Communities as the High Court shall determine presided over by the President of the High Court :—

(a) treason and other offences against the security of the Republic;

(b) offences against the Constitution and the constitutional order :

Provided that in the appeal from any decision of such court the High Court shall be presided over by the President of the Supreme Constitutional Court in the place of the President of the High Court and in such a case the President of the Supreme Constitutional Court shall have all the powers vested in the President of the High Court.

ARTICLE 157

1. Save as otherwise provided in this Constitution with regard to the Supreme Constitutional Court, the High Court shall be the Supreme Council of Judicature, and its President shall have two votes.

2. The appointment, promotion, transfer, termination of appointment, dismissal and disciplinary matters of judicial officers are exclusively within the competence of the Supreme Council of Judicature.

3. No judicial officer shall be retired or dismissed except on the like grounds and in the same manner as a judge of the High Court.

ARTICLE 158

1. A law shall, subject to the provisions of this Constitution, provide for the establishment, jurisdiction and powers of courts of civil and criminal jurisdiction other than courts to be provided by a communal law under Article 160.

2. Any such law shall provide for the establishment of adequate courts in sufficient number for the proper and undelayed administration of justice and for securing within the limits of their respective competence the efficient application of the provisions of this Constitution guaranteeing the fundamental rights and liberties.

3. A law shall provide for the remuneration and other conditions of service of the judges of the courts to be established under paragraph 1 of this Article. The remuneration and other conditions of service of any such judge shall not be altered to his disadvantage after his appointment.

ARTICLE 159

1. A court exercising civil jurisdiction in a case where the plaintiff and the defendant belong to the same Community shall be composed solely of a judge or judges belonging to that Community.

2. A court exercising criminal jurisdiction in a case where the accused and the person injured belong to the same Community, or where there is no person injured, shall be composed of a judge or judges belonging to that Community.

3. Where in a civil case the plaintiff and the defendant belong to different Communities the court shall be composed of such judges belonging to both Communities as the High Court shall determine.

4. Where in a criminal case the accused and the person injured belong to different Communities the court shall be composed of such judges belonging to both Communities as the High Court shall determine.

5. A coroner's inquest where the deceased belonged to the Greek Community shall be conducted by a Greek coroner and where the deceased belonged to the Turkish Community shall be conducted by a Turkish coroner. In case there are more than one deceased belonging to different Communities the inquest shall be conducted by such coroner as the High Court may direct.

6. The execution of any judgment or order of a court exercising civil or criminal jurisdiction, if the court is composed of a Greek judge or Greek judges shall be carried out through Greek officers of the court, if the court is composed of a Turkish judge or Turkish judges shall be carried out through Turkish officers of the court, and in any other case such execution shall be carried out by such officers as the court of trial shall direct.

ARTICLE 160

1. A communal law made by the Communal Chamber concerned shall, subject to the provisions of this Constitution, provide for the establishment, composition and jurisdiction of courts to deal with civil disputes relating to personal status and to religious matters which are reserved for the competence of the Communal Chambers by the provisions of this Constitution.

2. By such law provision shall be made for appeals against the decisions of such courts and for the composition of the courts by which such appeals are to be heard and determined and for the jurisdiction and powers of such appellate courts. A communal law made under this paragraph may provide that such appellate court may be composed of a judge or judges of the High Court either sitting alone or with such other judge or judges in the judicial service of the Republic as such law may determine.

3. Any such court as aforesaid in the exercise of its jurisdiction, shall apply the laws made by the Communal Chamber concerned :

Provided that nothing in this paragraph contained shall preclude a court of the Republic from applying in a case, where an issue relating to personal status or to religious matters is raised incidentally, the relevant communal law.

ARTICLE 161

Subject to paragraph 3 of Article 160 the courts of the Republic shall have power to apply also the relevant communal laws other than those relating to personal status and to religious matters.

ARTICLE 162

The High Court shall have jurisdiction to punish for any contempt of itself, and any other court of the Republic, including a court established by a communal law under Article 160, shall have power to commit any person disobeying a judgment or order of such court to prison until such person complies with such judgment or order and in any event for a period not exceeding twelve months.

A law or a communal law, notwithstanding anything in Article 90 contained, as the case may be, may provide for punishment for contempt of court.

ARTICLE 163

1. The High Court shall make Rules of Court for regulating the practice and procedure of the High Court and of any other court established by or under this Part of this Constitution, other than a court established under Article 160.

2. Without prejudice to the generality of paragraph 1 of this Article the High Court may make Rules of Court for the following purposes:—

- (a) for regulating the sittings of the courts and the selection of judges for any purpose;
- (b) for providing for the summary determination of any appeal or other proceedings which appear to the High Court or such other court before which such proceedings are pending to be frivolous or vexatious or to have been instituted for the purpose of delaying the course of justice;
- (c) for prescribing forms and fees in respect of proceedings in the courts and regulating the costs of, and incidental to, any such proceedings;
- (d) for prescribing and regulating the composition of the registries of the courts and the powers and duties of officers of the courts;
- (e) for prescribing the time within which any requirement of the Rules of Court is to be complied with;
- (f) for prescribing the practice and procedure to be followed by the Supreme Council of Judicature in the exercise of its competence with regard to disciplinary matters relating to judicial officers.

3. Rules of Court made under this Article may fix the number of judges of the High Court who are to hear any specified matter:

Provided that in the exercise of the jurisdiction conferred on the High Court by or under this Constitution no matter shall be determined unless the provisions of Article 159 are complied with and for the hearing of any appeal, including an appeal under Article 156, the High Court shall, subject to paragraph 2 of Article 160, be composed of all its members.

ARTICLE 164

1. Any appellate court created under paragraph 2 of Article 160 shall make Rules of Court for regulating the practice and procedure of such court and the practice and procedure of any court from which any appeal shall lie to it.

2. Without prejudice to the generality of paragraph 1 of this Article such appellate court may make Rules of Court for itself and for the Courts from which an appeal shall lie to it for the following purposes:—

- (a) for regulating the sittings of such courts;
- (b) for prescribing forms and fees in respect of proceedings in such courts and for regulating the costs of, and incidental to, any such proceedings;
- (c) for prescribing and regulating the composition of registries of such courts and the powers and duties of officers of such courts;
- (d) for prescribing the time within which any requirement of such Rules of Court is to be complied with.

PART XI.—FINANCIAL PROVISIONS

ARTICLE 165

1. All revenues and moneys, howsoever raised or received by the Republic, shall, subject to the provisions of this Constitution and of the law, be paid into and form one fund to be known as the Consolidated Fund of the Republic.

2. All revenues and moneys, howsoever raised or received by a Communal Chamber, shall, subject to any communal law, be paid into and form one fund, to be known as the Consolidated Fund of that Communal Chamber.

3. Unless the context otherwise requires any reference in this Constitution to the Consolidated Fund shall be construed as a reference to the Consolidated Fund of the Republic provided in paragraph 1 of this Article.

ARTICLE 166

1. There shall be charged on the Consolidated Fund, in addition to any grant, remuneration or other moneys charged by any other provision of this Constitution or law—

- (a) all pensions and gratuities for which the Republic is liable;
- (b) the emoluments of the President and the Vice-President of the Republic and the salaries of the judges of the Supreme Constitutional Court and of the High Court, of the Attorney-General and of the Deputy Attorney-General of the Republic, of the Auditor-General and of the Deputy Auditor-General, of the Governor and the Deputy Governor of the Issuing Bank of the Republic and of the members of the Public Service Commission;
- (c) all debt charges for which the Republic is liable; and
- (d) any moneys required to satisfy any judgment, decision or award against the Republic by any court.

2. For the purposes of this Article debt charges include interest, sinking fund charges, the repayment of amortisation of debt and all expenditure in connexion with the raising of loans on the security of the Consolidated Fund and the service and redemption of debt created thereby.

ARTICLE 167

1. The Minister of Finance shall, upon receipt of the estimates of each Ministry and of each Independent Office of the Republic, cause to be prepared in respect of every financial year a comprehensive Budget of the Republic for that year which, when approved by the Council of Ministers, shall be laid before the House of Representatives.

2. The estimates of expenditure in the Budget shall show separately—

- (a) the total sums required to meet expenditure charged on the Consolidated Fund; and
- (b) the sums respectively required to meet other expenditure.

3. The said Budget shall also show, so far as is practicable, the assets and liabilities of the Republic at the end of the last completed financial year, the manner in which those assets are invested or held and particulars in respect of outstanding liabilities.

4. The expenditure to be met from the Consolidated Fund but not charged thereon shall be submitted to the House of Representatives for adoption and if adopted shall be included in the Budget in respect of that financial year.

5. If in respect of any financial year it is found that the amount adopted by the House of Representatives for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been adopted a supplementary budget showing the sums required shall be laid before the House of Representatives for adoption and if adopted by the House of Representatives shall be included in the Budget in respect of that financial year.

6. The House of Representatives may approve or refuse its approval to any expenditure contained in a supplementary Budget but may not vote an increased amount or an alteration in its destination.

ARTICLE 168

1. No expenditure shall be met from the Consolidated Fund or other Public Funds except upon the authority of a warrant under the hand of the Minister of Finance:

Provided that the Minister of Finance shall not refuse to sign any such warrant for an expenditure provided for in the Budget.

2. Subject to the provisions of paragraph 3 of this Article, no such warrant shall be issued unless such expenditure has been adopted in the Budget for the financial year to which the warrant relates in the Budget.

3. If the Budget has not been adopted by the House of Representatives by the first day of the financial year to which it relates, the House of Representatives may, subject to the provisions of this Constitution, by a resolution, authorise the meeting of any expenditure required, for a period not exceeding one month at any one time but in any event not exceeding two months in the aggregate, from the Consolidated Fund or other Public Funds as they may consider essential for the continuance of the public services shown in the Budget until the expiration of such period:

Provided that the expenditure so authorised for any service shall not exceed the proportion with respect to such period of the amount voted for that service in the Budget for the preceding financial year.

PART XII.—MISCELLANEOUS PROVISIONS

ARTICLE 169

Subject to the provisions of Article 50 and paragraph 3 of Article 57—

- (1) every international agreement with a foreign State or any International Organisation relating to commercial matters, economic co-operation (including payments and credit) and *modus vivendi* shall be concluded under a decision of the Council of Ministers;
- (2) any other treaty, convention or international agreement shall be negotiated and signed under a decision of the Council of Ministers and shall only be operative and binding on the Republic when approved by a law made by the House of Representatives whereupon it shall be concluded;
- (3) treaties, conventions and agreements concluded in accordance with the foregoing provisions of this Article shall have, as from their publication in the official Gazette of the Republic, superior force to any municipal law on condition that such treaties, conventions and agreements are applied by the other party thereto.

ARTICLE 170

1. The Republic shall, by agreement on appropriate terms, accord most-favoured-nation treatment to the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland for all agreements whatever their nature might be.

2. The provisions of paragraph 1 of this Article shall not apply to the Treaty concerning the Establishment of the Republic of Cyprus between the Republic, the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland concerning the bases and military facilities accorded to the United Kingdom.

ARTICLE 171

1. In sound and vision broadcasting there shall be programmes both for the Greek and the Turkish Communities.

2. The time allotted to programmes for the Turkish Community in sound broadcasting shall not be less than seventy-five hours in a seven-day week, spread to all days of such week in daily normal periods of transmission:

Provided that if the total period of transmissions has to be reduced so that the time allotted to programmes for the Greek Community should fall below seventy-five hours in a seven-day week, then the time allotted to programmes for the Turkish Community in any such week should be reduced by the same number of hours as that by which the time allotted to programmes for the Greek Community is reduced below such hours:

Provided further that if the time allotted to programmes for the Greek Community is increased above one hundred and forty hours in a seven-day

week, then the time allotted to programmes for the Turkish Community shall be increased in the ratio of three hours for the Turkish Community to every seven hours for the Greek Community.

3. In vision broadcasting there shall be allotted three transmission days to the programmes for the Turkish Community of every ten consecutive transmission days and the total time allotted to the programmes for the Turkish Community in such ten transmission days shall be in the ratio of three hours to seven hours allotted to programmes for the Greek Community in such ten transmission days.

4. All official broadcasts in sound and vision shall be made both in Greek and Turkish and shall not be taken into account for the purposes of calculating the time under this Article.

ARTICLE 172

The Republic shall be liable for any wrongful act or omission causing damage committed in the exercise or purported exercise of the duties of officers or authorities of the Republic.

A law shall regulate such liability.

ARTICLE 173

1. Separate municipalities shall be created in the five largest towns of the Republic, that is to say, Nicosia, Limassol, Famagusta, Larnaca and Paphos by the Turkish inhabitants thereof:

Provided that the President and the Vice-President of the Republic shall within four years of the date of the coming into operation of this Constitution examine the question whether or not this separation of municipalities in the aforesaid towns shall continue.

2. The council of the Greek municipality in any such town shall be elected by the Greek electors of the town and the council of the Turkish municipality in such town shall be elected by the Turkish electors of the town.

3. In each such town a co-ordinating body shall be set up composed of two members chosen by the council of the Greek municipality, two members chosen by the council of the Turkish municipality and a President chosen by agreement between the two councils of such municipalities in such town. Such co-ordinating body shall provide for work which needs to be carried out jointly, shall carry out joint services entrusted to it by agreement of the councils of the two municipalities within the town and shall concern itself with matters which require a degree of co-operation.

ARTICLE 174

Within the limits of any such town no municipal tax, rate, fee or any other revenue shall be imposed or levied upon or collected from any person by any

such municipality unless such person belongs to the same Community as the municipality concerned :

Provided that—

- (a) fees payable in connexion with the use of municipal markets, slaughter houses and other municipal places which are in the region within which the council of one of such municipalities in any such town exercises its jurisdiction;
- (b) entertainment fees payable in connexion with premises or places in the region within which the council of one of such municipalities in any such town exercises its jurisdiction;
- (c) such fees as may be agreed upon between the two councils of such municipalities in any such town for any services additional to, or in excess of, those usually rendered by a municipality, to a person not belonging to the Community thereof,

shall be paid to the council of such municipality :

Provided further that in case any service in the way of control, inspection and the like is rendered by one of the municipalities to a person belonging to the Community of the other municipality in any such town any fees in respect thereof shall be payable to the municipality rendering such service.

ARTICLE 175

No licence or permit shall be issued to any person by a municipality in any such town not belonging to the Community of such municipality :

Provided that licences or permits relating to premises, places or building operations in the region within which one of such municipalities in any such town exercises its jurisdiction shall be issued by the council of such municipality and any service, control or supervision in connexion with such licences or permits shall be performed by the council of such municipality and any such fee payable in respect thereof shall be collected by such council.

ARTICLE 176

Nothing in Articles 173 to 178, both inclusive, contained shall be construed as precluding a law to provide for town planning with respect to any such municipalities subject to the following conditions :—

- (a) the planning authority for any such town shall consist of ten members, out of whom seven shall be Greeks and three shall be Turks;
- (b) all decisions of such authority shall be taken by an absolute majority :

Provided that no decision affecting a Greek municipality shall be taken unless such majority includes the votes of at least four Greek members, and no decision affecting a Turkish municipality shall be taken unless such majority includes the votes of at least two Turkish members;

- (c) all matters of a town planning nature affecting any such town and any regulation of any such matter shall be entrusted exclusively to such planning authority.

ARTICLE 177

Subject to the provisions of Articles 173 to 178, both inclusive, each municipality in any such town shall exercise its jurisdiction and perform all its functions respectively within a region the limits of which shall be fixed for each municipality by agreement of the President and the Vice-President of the Republic.

ARTICLE 178

With regard to other localities, a special provision shall be made for the constitution of the organs of the municipalities in accordance, as far as possible, with the rule of proportional representation of the two Communities.

PART XIII.—FINAL PROVISIONS

ARTICLE 179

1. This Constitution shall be the supreme law of the Republic.
2. No law or decision of the House of Representatives or of any of the Communal Chambers and no act or decision of any organ, authority or person in the Republic exercising executive power or any administrative function shall in any way be repugnant to, or inconsistent with, any of the provisions of this Constitution.

ARTICLE 180

1. The Greek and the Turkish texts of this Constitution shall both be originals and shall have the same authenticity and the same legal force.
2. Any conflict between the two texts of this Constitution shall be determined by the Supreme Constitutional Court by reference to the text of the draft of this Constitution signed at Nicosia on the 6th April, 1960, in the Joint Constitutional Commission together with the Schedule of amendments thereto signed on* by representatives of the Kingdom of Greece, the Republic of Turkey and the Greek and Turkish Cypriot communities, due regard being had to the letter and spirit of the Zurich Agreement dated the 11th February, 1959, and of the London Agreement dated the 19th February, 1959.
3. In case of ambiguity any interpretation of the Constitution shall be made by the Supreme Constitutional Court due regard being had to the letter and spirit of the Zurich Agreement dated the 11th February, 1959, and of the London Agreement dated the 19th February, 1959.

ARTICLE 181

The Treaty guaranteeing the independence, territorial integrity and Constitution of the Republic concluded between the Republic, the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland, and the Treaty of Military Alliance concluded between the Republic, the Kingdom of Greece and the Republic of Turkey, copies of which are annexed to this Constitution as Annexes I and II, shall have constitutional force.

* Note : date to be inserted later.

ARTICLE 182

1. The Articles or parts of Articles of this Constitution set out in Annex III hereto which have been incorporated from the Zurich Agreement dated 11th February, 1959, are the basic Articles of this Constitution and cannot, in any way, be amended, whether by way of variation, addition or repeal.

2. Subject to paragraph 1 of this Article any provision of this Constitution may be amended, whether by way of variation, addition or repeal, as provided in paragraph 3 of this Article.

3. Such amendment shall be made by a law passed by a majority vote comprising at least two-thirds of the total number of the Representatives belonging to the Greek Community and at least two-thirds of the total number of the Representatives belonging to the Turkish Community.

ARTICLE 183

1. In case of war or other public danger threatening the life of the Republic or any part thereof, the Council of Ministers shall have power, by a decision taken in this respect, to issue a Proclamation of Emergency :

Provided that the President and the Vice-President of the Republic shall, separately or conjointly, have a right of veto against any such decision which they shall exercise within forty-eight hours of the date when the decision has been transmitted to their respective offices.

2. Any such Proclamation shall specify the Articles of the Constitution which shall be suspended for the duration of such Emergency :

Provided that only the following Articles of the Constitution may be suspended by any such Proclamation that is to say:—

Article 7, only in so far as it relates to death inflicted by a permissible act of war; Article 10, paragraphs 2 and 3; Article 11; Article 13; Article 16; Article 17; Article 19; Article 21; Article 23, paragraph 8, sub-paragraph (d); Article 25 and Article 27.

3. The President and the Vice-President of the Republic shall, unless, separately or conjointly, they have exercised their right of veto as provided in paragraph 1 of this Article, promulgate forthwith such Proclamation by publication in the official Gazette of the Republic.

4. A Proclamation promulgated under the foregoing provisions of this Article shall be laid forthwith before the House of Representatives. If the House of Representatives is not sitting it must be convened as soon as possible for this purpose.

5. The House of Representatives shall have the right to reject or confirm such Proclamation of Emergency. In the case of rejection the Proclamation of Emergency shall have no legal effect. In the case of confirmation the President and the Vice-President of the Republic shall promulgate forthwith such decision of the House of Representatives by publication in the official Gazette of the Republic.

6. The Proclamation of Emergency shall cease to operate at the expiration of two months from the date of confirmation by the House of Representatives unless the House, at the request of the Council of Ministers, decides to prolong the duration of the state of emergency, whereupon the President and the Vice-President of the Republic, separately or conjointly, shall have a right of veto against such decision of prolongation to be exercised in accordance with Article 50.

7. (1) While a Proclamation is in operation, notwithstanding anything in this Constitution, the Council of Ministers if satisfied that immediate action is required may, subject to the right of veto of the President and the Vice-President of the Republic under Article 57 to be exercised, separately or conjointly, make any ordinance strictly connected with the state of emergency having the force of law.

(2) If no right of veto is exercised under sub-paragraph (1) of this paragraph the President and the Vice-President of the Republic shall forthwith promulgate by publication in the official Gazette of the Republic such ordinance.

(3) Such ordinance if not sooner revoked shall cease to be in force at the expiration of the emergency.

ARTICLE 184

1. Where any ordinance promulgated in pursuance of sub-paragraph (2) of paragraph 7 of Article 183 provides for preventive detention—

(a) the authority on whose order any person is detained under that ordinance shall, as soon as may be, inform him of the grounds for his detention and, subject to paragraph 3 of this Article, the allegations of fact on which the order is based, and shall give him the opportunity of making representations against the order as soon as may be;

(b) no citizen shall be detained under that ordinance for a period exceeding one month unless an advisory board constituted as mentioned in paragraph 2 of this Article has considered any representations made by him under sub-paragraph (a) of this paragraph and has reported, before the expiration of that period, that there is in its opinion sufficient cause for the detention.

2. An advisory board constituted for the purposes of this Article shall consist of a Chairman, who shall be appointed jointly by the President and the Vice-President of the Republic from among persons who are or have been judges of the High Court or are qualified to be judges of such Court, and two other members, who shall be appointed jointly by the President and the Vice-President of the Republic after consultation with the President of the High Court.

3. This Article does not require any authority to disclose facts of which disclosure would in its opinion be against the national interest.

ARTICLE 185

1. The territory of the Republic is one and indivisible.

2. The integral or partial union of Cyprus with any other State or the separatist independence is excluded.

ARTICLE 186

1. In this Constitution, unless it is otherwise expressly provided or required by the context—

- (1) “Community” means the Greek or the Turkish Community;
“court” includes any judge thereof;
“Greek” means a member of the Greek Community as defined in Article 2;
“law” when used in relation to the period after the coming into operation of this Constitution means a law of the Republic;
“person” includes any company, partnership, association, society, institution or body of persons, corporate or unincorporate;
“Republic” means the Republic of Cyprus;
“Turk” or “Turkish” means a member of the Turkish Community as defined in Article 2;
- (2) words importing the masculine gender include females and words in the singular include the plural and vice-versa.

2. Where a power is conferred by this Constitution to make any order, rules, regulations or bye-laws or to give any directions the power shall be construed as including a power exercisable in like manner to amend or revoke any such order, rules, regulations, bye-laws or directions.

TRANSITIONAL PROVISIONS

ARTICLE 187

1. Any person elected—

- (a) as first President or first Vice-President of the Republic;
- (b) as a member of the House of Representatives or of any Communal Chamber,

under any law in force immediately before the date of the coming into operation of this Constitution shall be deemed to be the President of the Republic or the Vice-President of the Republic, a member of the House of Representatives or a member of the Communal Chamber concerned, elected respectively under the provisions of this Constitution.

2. All laws and regulations relating to elections expired on the date of the coming into operation of this Constitution and notwithstanding such expiration shall continue to be in force until a new electoral law is made by the House of Representatives or by any Communal Chamber, as the case may be, and in any case not later than eighteen months of the date of the coming into operation of this Constitution with regard to any by-election to fill any vacancy occurring during such period in the office of the President of the Republic, the Vice-President of the Republic, any Representative or any member of a Communal Chamber.

1. Subject to the provisions of this Constitution and to the following provisions of this Article, all laws in force on the date of the coming into operation of this Constitution shall, until amended, whether by way of variation, addition or repeal, by any law or communal law, as the case may be, made under this Constitution, continue in force on or after that date, and shall, as from that date be construed and applied with such modification as may be necessary to bring them into conformity with this Constitution.

2. Save where otherwise provided in the Transitional Provisions of this Constitution no provision in any such law which is contrary to, or inconsistent with, any provision of this Constitution and no law which under Article 78 requires a separate majority shall so continue to be in force:

Provided that the laws relating to the municipalities may continue to be in force for a period of six months after the date of the coming into operation of this Constitution and any law imposing duties or taxes may continue to be in force until the 31st day of December, 1960.

3. In any such law which continues in force under paragraph 1 of this Article, unless the context otherwise requires—

- (a) any reference to the Colony of Cyprus or to the "Crown" shall, in relation to any period beginning on or after the date of the coming into operation of this Constitution, be construed as a reference to the Republic;
- (b) any reference to the Governor or the Governor in Council shall, in relation to any such period, be construed as a reference to the President and the Vice-President of the Republic, separately or conjointly, according to the express provisions in this Constitution, to the House of Representatives in matters relating to exercise of legislative power other than those expressly reserved to the Communal Chambers, to the Communal Chamber concerned in all matters within its competence under this Constitution, and to the Council of Ministers in matters relating to exercise of executive power;
- (c) any reference to the Administrative Secretary or the Financial Secretary, shall in relation to any such period, be construed as a reference to the Ministry or Independent Office of the Republic for the time being charged with responsibility for the subject in relation to which reference is made;
- (d) any reference to the Attorney-General or the Solicitor-General, shall, in relation to any such period, be construed as a reference to the Attorney-General of the Republic or the Deputy Attorney-General of the Republic respectively;
- (e) any reference to any other person holding a public office or to any authority or body, shall, in relation to any such period, be construed as a reference to the corresponding public officer or corresponding authority, body or office of the Republic.

4. Any court in the Republic applying the provisions of any such law which continues in force under paragraph 1 of this Article, shall apply it in relation to any such period, with such modification as may be necessary to

bring it into accord with the provisions of this Constitution including the Transitional Provisions thereof.

5. In this Article—

“law” includes any public instrument made before the date of the coming into operation of this Constitution by virtue of such law;

“modification” includes amendment, adaptation and repeal.

ARTICLE 189

Notwithstanding anything in Article 3 contained, for a period of five years after the date of the coming into operation of this Constitution—

(a) all laws which under Article 188 will continue to be in force may continue to be in the English language;

(b) the English language may be used in any proceedings before any court in the Republic.

ARTICLE 190

1. Subject to the ensuing provisions of this Article any court existing immediately before the date of the coming into operation of this Constitution shall, notwithstanding anything in this Constitution, as from that date and until a new law is made regarding the constitution of the courts of the Republic and in any event not later than four months from that date, continue to function as hitherto but constituted, as far as practicable, in accordance with the provisions of this Constitution:

Provided that any pending proceedings, civil or criminal, part heard on the date of the coming into operation of this Constitution shall continue and be disposed of, notwithstanding anything contained in this Constitution, by the court as constituted in such a case.

2. Notwithstanding anything in this Constitution and until the Supreme Constitutional Court established thereunder is constituted within a period not later than three months of the date of the coming into operation of this Constitution, the registry of the High Court shall be the registry of the Supreme Constitutional Court.

3. The registry of the High Court shall be deemed to be the registry of the Supreme Constitutional Court for all its purposes, including a recourse, until such Court is constituted; the constitution of such Court shall be effected not later than three months of the date of the coming into operation of this Constitution.

4. In computing any time with regard to a recourse to the Supreme Constitutional Court under the provisions of this Constitution, the period between the date of the coming into operation of this Constitution and the constitution of such Court as aforesaid shall not be counted.

5. The Supreme Court existing immediately before the date of the coming into operation of this Constitution shall be deemed to be the High Court as established under this Constitution until the constitution of such Court under

the provisions thereof; the constitution of such Court shall be made not later than three months of the date of the coming into operation of this Constitution :

Provided that a reference to the Chief Justice shall be a reference to the senior member of such Court, and such Court shall be deemed to be validly constituted during such period notwithstanding that its membership shall be below four.

ARTICLE 191

Any proceedings pending on the date of the coming into operation of this Constitution in which the Attorney-General on behalf of the Government of the Colony of Cyprus or any Department or officer thereof is a party shall continue, on and after such date, with the Republic or its corresponding office or officer being substituted as a party.

ARTICLE 192

1. Save where other provision is made in this Constitution any person who, immediately before the date of the coming into operation of this Constitution, holds an office in the public service shall, after that date, be entitled to the same terms and conditions of service as were applicable to him before that date and those terms and conditions shall not be altered to his disadvantage during his continuance in the public service of the Republic on or after that date.

2. Subject to paragraph 1 of this Article the judges of the Supreme Court other than the Chief Justice and the judges and magistrates of the subordinate courts holding office immediately before the date of the coming into operation of this Constitution shall, notwithstanding anything contained in Articles 153 and 157, as from that date continue to hold their respective offices as if they had been duly appointed thereto under the provisions of those Articles until an appointment is made under the provisions of those Articles and the provisions of this Constitution shall apply to them accordingly.

3. Where any holder of an office mentioned in paragraphs 1 and 2 of this Article is not appointed in the public service of the Republic he shall be entitled, subject to the terms and conditions of service applicable to him, to just compensation or pension on abolition of office terms out of the funds of the Republic whichever is more advantageous to him.

4. Subject to paragraph 5 of this Article any holder of an office mentioned in paragraphs 1 and 2 of this Article whose office comes, by the operation of this Constitution, within the competence of a Communal Chamber, may, if he so desires, waive his rights under paragraph 3 of this Article and choose to serve under such Communal Chamber and in such a case such holder of such office shall be entitled to receive from the Republic any retirement pension, gratuity or other like benefit to which he would have been entitled under the law in force immediately before the date of the coming into operation of this Constitution in respect of the period of his service before such date if such period by itself or together with any period of service under such Communal Chamber would, under such law, have entitled him to any such benefit.

5. Any teacher who, immediately before the date of the coming into operation of this Constitution, was a serving teacher and was in receipt of remuneration out of the public funds of the Colony of Cyprus and whose office comes, by the operation of this Constitution, within the competence of a Communal Chamber shall be entitled to receive from the Republic any retirement pension, gratuity or other like benefit to which he would have been entitled under the law in force before the date of the coming into operation of this Constitution in respect of the period of his service before such date if such period by itself or together with any period of service under such Communal Chamber would, under such law, have entitled him to any such benefit.

6. Any person who, immediately before the date of the coming into operation of this Constitution, being in the public service of the Colony of Cyprus is on leave prior to retirement therefrom or on transfer from that service to any service other than that of the Republic shall, irrespective of whether he is a citizen of the Republic or not, continue to be entitled to the same terms and conditions of service as were applicable to him under such circumstances before that date and such terms and conditions shall not be altered to his disadvantage.

7. For the purposes of this Article—

- (a) “public service” in relation to service before the date of the coming into operation of this Constitution means service under the Government of the Colony of Cyprus and in relation to service after that date means service in a civil capacity under the Republic and includes service as a member of the security forces of the Republic;
- (b) “terms and conditions of service” means, subject to the necessary adaptations under the provisions of this Constitution, remuneration, leave, removal from service, retirement pensions, gratuities or other like benefits.

8. Save as provided in paragraph 6 of this Article nothing in this Article shall apply to a person who is not a citizen of the Republic.

ARTICLE 193

Any person who, immediately before the date of the coming into operation of this Constitution, was in receipt of any pension or other retirement benefit out of the public Funds, including the Widows' and Orphans' Pension Fund, of the Colony of Cyprus shall on and after the date of the coming into operation of this Constitution, continue to be paid such pension or other retirement benefit out of the public Funds of the Republic under the same terms and conditions as were applicable to such pensions or other retirement benefits immediately before the date of the coming into operation of this Constitution or under terms and conditions made thereafter not less favourable to that person and applicable to his case.

ARTICLE 194

The eligibility of any person to receive a pension under the Widows' and Orphans' Pension Fund shall, on and after the date of the coming into operation of this Constitution, continue to be subject to the same terms and

conditions as were in force immediately before the date of the coming into operation of this Constitution and shall not be altered to the disadvantage of any such person so long as such eligibility remains.

ARTICLE 195

Notwithstanding anything in this Constitution contained, the person elected as first President of the Republic and the person elected as first Vice-President of the Republic, who under Article 187 are deemed to be the first President and the first Vice-President of the Republic, whether before or after their investiture as in Article 42 provided, conjointly shall have, and shall be deemed to have had, the exclusive right and power to sign and conclude on behalf of the Republic the Treaty concerning the Establishment of the Republic of Cyprus between the Republic, the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland together with the Exchanges of Notes drawn up for signature with that Treaty, and the Treaty guaranteeing the independence, territorial integrity and Constitution of the Republic, between the Republic, the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland, the Treaty of Military Alliance between the Republic, the Kingdom of Greece and the Republic of Turkey and the Agreement between the Republic, the Kingdom of Greece and the Republic of Turkey for the application of the Treaty of Alliance concluded between these countries, and such Treaties, Agreements and Notes exchanged shall be thus validly concluded on behalf of the Republic and shall be operative and binding as from the date on which they have been so signed.

ARTICLE 196

The term of office of the first Communal Chambers shall commence on the date of the coming into operation of this Constitution.

ARTICLE 197

1. Any movable or immovable property, or any right or interest thereon, which, immediately before the date of the coming into operation of this Constitution, was vested in, held by, or registered in the name of, the Government of the Colony of Cyprus or any other person or body, for and on behalf of, or in trust for, any school, or other body or institution which come, by or under the provisions of this Constitution, within the competence of the Communal Chambers shall, as from that date, be vested in, and be held by such person, body or authority as provided by a law of the respective Communal Chamber subject to such terms and conditions as such communal law may provide:

Provided that no such law shall direct that any such property shall vest in, or be held by, the Communal Chamber itself.

2. Nothing in this Article contained shall apply to any bequest or other donation administered by trustees or to any vakf in connexion with any educational purposes.

ARTICLE 198

1. The following provisions shall have effect until a law of citizenship is made incorporating such provisions—

- (a) any matter relating to citizenship shall be governed by the provisions of Annex D to the Treaty of Establishment;
- (b) any person born in Cyprus, on or after the date of the coming into operation of this Constitution, shall become on the date of his birth a citizen of the Republic if on that date his father has become a citizen of the Republic or would but for his death have become such a citizen under the provisions of Annex D to the Treaty of Establishment.

2. For the purposes of this Article “Treaty of Establishment” means the Treaty concerning the Establishment of the Republic of Cyprus between the Republic, the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 199

The Turkish Communal Chamber shall have the right to receive from the Government of the United Kingdom of Great Britain and Northern Ireland the sums specified in the Notes exchanged between the Governor of the Colony of Cyprus, on behalf of the Government of the United Kingdom and the representatives of the Turkish Community of Cyprus drawn up for signature on*

ANNEX I

(Article 181)

(Here insert the Treaty guaranteeing the independence, territorial integrity and Constitution of the Republic concluded between the Republic, the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland.)

ANNEX II

(Article 181)

(Here insert the Treaty of Military Alliance concluded between the Republic, the Kingdom of Greece and the Republic of Turkey.)

* Note : date to be inserted later.

ANNEX III

List of Basic Articles of the Constitution

(Article 182)

Articles

- | | | |
|----|-----------------------|--|
| 1 | | |
| 3 | paragraphs 1 and 2 | |
| 4 | paragraph 1 | |
| | paragraph 2 | in so far as it relates to the Authorities of the Republic |
| | paragraph 3 | in so far as it relates to Communal authorities |
| | paragraph 4 | in so far as it relates to citizens of the Republic |
| 5 | | |
| 23 | paragraph 4 | in so far as it relates to the Republic or a municipal corporation and sub-paragraph (c) thereof |
| | paragraph 5 | in so far as it relates to the use of compulsorily acquired property by the Republic or a municipal corporation and its restoration to the owner |
| | paragraph 6 | |
| | paragraph 11 | in so far as the compulsory acquisition is made by the Republic or a municipal corporation and in so far as this paragraph relates to the recourse to the courts and its suspending effect |
| 36 | paragraph 2 | |
| 39 | paragraph 1 | in so far as it relates to universal suffrage |
| 42 | paragraph 1 | except the text of the affirmation other than its part relating to faith to, and respect for, the Constitution |
| | paragraph 2 | |
| 43 | paragraph 1 | in so far as it relates to the five years' period |
| 44 | paragraphs 2 and 4 | |
| 46 | | except its fourth paragraph |
| 50 | paragraph 1 | except the part of its sub-paragraph (a) items (i) to (vi) both inclusive |
| 51 | paragraphs 1 and 2 | |
| | paragraph 3 | except for the time of thirty days provided for the Budget |
| | paragraphs 4 and 6 | |
| 52 | | except its part relating to the recourse to the Supreme Constitutional Court under Article 140 |
| 53 | paragraphs 1, 2 and 3 | |
| 57 | paragraph 2 | except its part relating to time limits and its proviso |
| | paragraph 3 | except its part relating to time limits |
| | paragraph 4 | in so far as it relates to promulgation |
| 61 | | |
| 62 | paragraph 2 | in so far as it relates to the percentages, to the separate and universal suffrage and to the proportion being independent of any statistical data |
| 65 | paragraph 1 | in so far as it relates to the five years' period |
| 78 | | |

Articles

86		
87	paragraph 1	sub-paragraphs (a) to (e) both inclusive and sub-paragraph (f) except its final words referring to Article 88
89	paragraph 1	sub-paragraphs (b) and (c) and paragraphs 2 and 3
92		in so far as it relates only to the determination of the number of its members by the Communal Chambers
108		
112	paragraph 1	except its part relating to qualifications
115	paragraph 1	except its part relating to qualifications
118	paragraph 1	except its part relating to qualifications
123		
126	paragraph 1	except its part relating to qualifications
129		
130		
131		
132		
133	paragraph 1	except the proviso to its sub-paragraph (2)
137	paragraph 1	
	paragraph 3	only in so far as it relates to the suspension of the laws or decisions
	paragraph 4	except its proviso
138	paragraph 1	
139	paragraph 1	in so far as it relates to conflict of competence between the House of Representatives and the Communal Chambers
153	paragraph 1	except the proviso to its sub-paragraph (2)
157	paragraphs 1 and 2	
159	paragraphs 1, 2, 3, and 4	
160	paragraph 1	its part which provides the matter with which the courts are dealing
	paragraph 3	except its proviso
170		
173	paragraph 1	except the names of the towns
	paragraph 3	except its part relating to the carrying out of joint services entrusted to the co-ordinating body
178		
181		
182		
185	paragraph 2	

The Joint Constitutional Commission

THE GREEK GOVERNMENT DELEGATION:

Professor Themistocles Tsatsos (Head of the Delegation)
 Mr. George Charbouris
 Mr. Alexandros Lekkas
 Mr. Constantinos Choidas

Mr. Demetrios Apostolides
Mr. Demetrios Kyriazis
Mr. Georghios Zotiades
Mr. Demetrios Petrounakos

THE TURKISH DELEGATION:

Professor Nihat Erim (Head of the Delegation)
Dr. Suat Bilge
Mr. Sherif Kolhan
Mr. Ahmet Asim Akyamach
Mr. Kaya Pirnar
Mr. Alaeddin Gülen

THE CYPRUS GREEK DELEGATION:

Mr. Glafkos Clerides (Head of the Delegation)
Mr. George Polyviou
Mr. Michalakis Triantafyllides
Mr. Tasos Papadopoulos
The Legal Adviser: Mr. Criton George Tornaritis

THE CYPRUS TURKISH DELEGATION:

Mr. Rauf Raif Denktash (Head of the Delegation)
Mr. Halit Ali Riza
Mr. Hakki Süleyman
Mr. Ali Dâna
The Legal Adviser: Mr. Mehmet Nedjati Münir

The Legal Adviser to the Joint Constitutional Commission:
Professor Marcel Bridel

His Assistant:
Mr. Louis Bagi

APPENDIX E

Statement by Her Majesty's Government

THE RIGHTS OF SMALLER RELIGIOUS GROUPS IN CYPRUS

In the negotiations leading up to the establishment of the Republic of Cyprus, Her Majesty's Government have been concerned to secure for the minor religious groups in Cyprus (Armenians, Maronites and Latins) the continued enjoyment of the liberties and status which they have had under British rule. The following paragraphs set out the safeguards which are to this end being provided in the Constitution of the Republic.

2. Under the Constitution, members of these groups will, as individuals, be guaranteed human rights and fundamental freedoms comparable to those set out in the European Convention for the protection of Human Rights and Fundamental Freedoms and the Protocol thereto. Both as individuals, and as groups, they will also enjoy constitutional protection against discrimination.

3. The Constitution will enable the Armenians, the Maronites and the Latins, as groups, to choose to belong to either the Greek-Cypriot or the Turkish-Cypriot Community. In the event of option, the members of the group will enjoy the same benefits as the other members of the Community. For example, they will be eligible for the Public Service of the Republic.

4. Any religious group which has opted as a group to belong to one of the two Communities will have the right under the Constitution to be represented in the Communal Chamber of the Community for which it has opted.

5. It will also be possible under the Constitution for any religious group, in common with other bodies, to have recourse as a group to the Supreme Constitutional Court to complain of any breach of the Constitution or abuse of power directly affecting the group as a body.

6. Finally the Constitution will provide for members of the smaller religious groups to enjoy no less extensive rights in respect of religious matters than they enjoyed in law before the Constitution came into force, and matters of personal status will be under the jurisdiction of the religious groups themselves. In respect of education and cultural matters, the President-elect and the Vice-President-elect have given an assurance that the smaller religious groups need have no fear that they will be at a disadvantage in future in the allocation of public funds.

APPENDIX F

*Statement issued from the Commonwealth Relations Office on the
20th of January, 1960*

CYPRIT LEADERS MEET COMMONWEALTH SECRETARY DISCUSSION ON FUTURE RELATIONSHIP WITH THE COMMONWEALTH

Archbishop Makarios and Dr. Kutchuk called again on the Commonwealth Secretary, Lord Home, this morning. A further discussion took place on the continuing links which the new Republic of Cyprus might have with the Commonwealth after Independence.

It was agreed that the question of Cyprus's future association with the Commonwealth must be left for consideration by the Cypriot House of Representatives meeting after Independence.

Archbishop Makarios and Dr. Kutchuk requested that the United Kingdom Bill providing for the Independence of Cyprus should be prepared in a form which would make this possible and that it should also provide for Cyprus in the meantime to continue to be treated under United Kingdom law in the same way as the independent countries of the Commonwealth.

The Secretary of State explained that if the Government of the Republic of Cyprus should transmit an application to Her Majesty's Government for Membership of the Commonwealth, this would be a matter for decision not by the United Kingdom Government alone but by all the existing Member Governments of the Commonwealth.

APPENDIX G

ACCESS TO ORMIDHIA, XYLOTYMBOU AND DHEKELIA POWER STATION

Draft Exchange of Notes between the Representative of the United Kingdom authorised to sign the Treaty of Establishment and Archbishop Makarios and Dr. Kutchuk

A.—Draft Note to Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

I have the honour to refer to the discussions during the drawing up of the Treaty concerning the establishment of the Republic of Cyprus of to-day's date, and to the question raised during those discussions about passage across the territory of the United Kingdom Sovereign Base Areas to and from the the two villages of Ormidhia and Xylotymbou and the Power Station at Dhekelia which are situated in territory under the Sovereignty of the Republic of Cyprus although surrounded by territory under the Sovereignty of the United Kingdom of Great Britain and Northern Ireland.

2. I have the honour to propose that persons desiring in the course of normal life to move from either of these two villages or that Power Station to the rest of the territory of the Republic of Cyprus or *vice versa* or from either village to the other or from either village to the Power Station or *vice versa* shall, subject to paragraph 3 below, have freedom of access and communications to and through the Dhekelia Sovereign Base Area. Such freedom shall include free movement of vehicles, animals, produce and other property.

3. If, in any exceptional circumstances, the military requirements or security needs of the United Kingdom should require the restriction or control of movement within the Dhekelia Sovereign Base Area, the United Kingdom authorities shall use their best endeavours to ensure that such restriction or control, which shall be temporary, is exercised in such a way as to avoid any unnecessary or unreasonable hardship or inconvenience. In such circumstances, special arrangements shall be made for close and effective consultation between the United Kingdom authorities and the authorities of the Republic of Cyprus to deal with any questions which may arise in this connexion.

4. I have the honour to suggest that, if these proposals are acceptable to the Government of the Republic of Cyprus, this Note, together with your reply to that effect, shall be regarded as constituting an agreement in this matter between the Government of the United Kingdom and the Government of the Republic of Cyprus which shall enter into force on to-day's date.

B.—Draft Reply by Archbishop Makarios and Dr. Kutchuk

Your Excellency,

We have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:—

[text as above]

2. The arrangements set out in that Note are acceptable to the Government of the Republic of Cyprus and we have the honour therefore to confirm that that Note, together with this reply, shall constitute an agreement accordingly.

APPENDIX H

BOUNDARY COMMISSION

Draft Exchange of Notes between the Representative of the United Kingdom authorised to sign the Treaty of Establishment and Archbishop Makarios and Dr. Kutchuk

A.—Draft Note to Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

I have the honour to refer to Section 2 of Annex A to the Treaty concerning the Establishment of the Republic of Cyprus of to-day's date and to propose that the arrangements set out in the following paragraphs of this Note shall apply to the Boundary Commission referred to in that Section.

2. The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Cyprus shall appoint their respective representatives for the Boundary Commission as soon as possible after the entry into force of the Treaty under reference and, in any event, not later than 14 days thereafter. The Boundary Commission shall begin its work as soon as possible after the appointment of the representatives and, in any event, not later than one month after the entry into force of that Treaty.

3. Each Government shall appoint such number of representatives not exceeding two as they see fit, and may appoint technical advisers to assist their representatives.

4. The remuneration and expenses of the representatives of each Government shall be paid by the Government which appoints them. All other expenses of the Boundary Commission, including the cost of marking the boundary and any fees and expenses of any independent expert appointed pursuant to paragraph 4 of Section 2 of Annex A to that Treaty, shall be borne in equal shares by the two Governments.

5. If either Government desires to refer a point in dispute to an independent expert to be appointed pursuant to paragraph 4 of Section 2 of Annex A to that Treaty, the two Governments will endeavour to reach agreement on the expert to be appointed; if, however, the two Governments are unable to reach agreement within one month of the request of either Government for the appointment of an independent expert, either Government may request the Swiss Government to nominate an independent expert for the purpose of determining the questions in dispute and the two Governments shall accept the person so nominated as the independent expert for the purpose of that paragraph.

6. I have the honour to suggest that, if these arrangements are acceptable to the Government of the Republic of Cyprus, this Note, together with your reply to that effect, shall be regarded as constituting an agreement in this matter between the Government of the United Kingdom and the Government of the Republic of Cyprus which shall enter into force on to-day's date.

B.—Draft Reply by Archbishop Makarios and Dr. Kutchuk

Your Excellency,

We have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:—

[text as above]

2. The arrangements set out in that Note are acceptable to the Government of the Republic of Cyprus and we have the honour therefore to confirm that your Note, together with this reply, shall constitute an agreement accordingly.

APPENDIX I

SPECIAL ARRANGEMENTS RELATING TO SITES

Draft Exchange of Notes between the Representative of the United Kingdom authorised to sign the Treaty of Establishment and Archbishop Makarios and Dr. Kutchuk

A.—Draft Note to Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

I have the honour to refer to Part II of Annex B to the Treaty concerning the Establishment of the Republic of Cyprus of to-day's date and to propose that the provisions set out in the Appendix to this Note shall apply to the Sites and Installations and other items referred to in the Appendix to this Note.

I have the honour to suggest that, if these proposals are acceptable to the Government of the Republic of Cyprus, this Note together with your reply to that effect shall be regarded as constituting an agreement in this matter between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Cyprus which shall enter into force on to-day's date.

B.—Draft Reply by Archbishop Makarios and Dr. Kutchuk

Your Excellency,

We have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:

[text as above]

The proposals set out in that Note are acceptable to the Government of the Republic of Cyprus and we have the honour therefore to confirm that your Note together with this reply shall constitute an agreement accordingly.

Appendix*

1. In this Appendix

- (a) "United Kingdom authorities", "United Kingdom vessels" and "Sites" have the same meanings as those expressions have for the purposes of Annex B to the Treaty to which this Note refers;
- (b) references to a Schedule are references to Schedules A to D to Part II of Annex B to the Treaty to which this Note refers;
- (c) reference to the surrender of an area of land from the area of a Site means that, upon such surrender by the United Kingdom Authorities, the area of land in question shall cease to form part of the Site, the United Kingdom Authorities shall vacate it and the appropriate

* Note: plans referred to in this Annex are not printed.

provisions of Part III of Annex B to the Treaty to which this Note refers shall apply to it as immovable property which is no longer needed for the purposes of that Treaty.

Schedule A.3: Site at Mount Olympus

2.—(a) The United Kingdom authorities shall give all reasonable facilities for passage through the Site to officials of the Republic of Cyprus and to persons authorised by the Cyprus Inland Telecommunications Authority, or by Cable and Wireless Ltd., so that they can in the course of duty go to or come from the Hut situated near the northern boundary of the Site which has been excluded from the area of the Site.

(b) If at any time, while this Hut remains in use by the Cyprus Inland Telecommunications Authority or by Cable and Wireless Ltd., the authorities of the Republic of Cyprus find that the facilities being granted in accordance with sub-paragraph (a) of this paragraph are inadequate to their needs and notify the United Kingdom authorities of their intention to construct a separate access road to it, the United Kingdom authorities shall, immediately on being so required, surrender from the area of the Site the strip of land near the northern boundary which is hatched in blue on the plan annexed to this Appendix.

Schedule A.9 : Site at Famagusta

3.—(a) When the slipway situated inside the boundary of the Site at its western end is not required for use for United Kingdom vessels, it may be used by other vessels. No permanent obstruction which would impede work on ships drawn up shall be placed in the area which lies within 8 feet on either side of the western boundary of the land area of the Site running along the side of the slipway. The United Kingdom authorities and persons authorised by them shall have reasonable facilities for passage through the land lying adjacent to the western boundary of the land area of the Site so that they can, in the course of duty, go to and come from the slipway and the hut which lies at the southern end of that boundary and can work on vessels drawn up at the slipway.

(b) (i) Except when the waters specified in sub-paragraph (iii) below are required for use by United Kingdom vessels and the United Kingdom authorities notify the authorities of the Republic of Cyprus to this effect, the authorities of the Republic of Cyprus may exercise full navigational control over those waters.

(ii) In those waters, the United Kingdom authorities shall not establish any piers, buoys, additional dolphins or other like obstacles to navigation.

(iii) The waters referred to are the waters which lie within the boundary of the Site and are hatched in blue on the plan annexed to this Appendix.

(c) After consultation with the authorities of the Republic of Cyprus, the United Kingdom authorities may undertake dredging operations in the waters hatched in red on the plan annexed to this Appendix.

Schedule A.10/1 : Site at Nicosia Airfield

4.—(a) The United Kingdom authorities shall give all reasonable facilities for passage through the Site to officials of or persons authorised by the

Republic of Cyprus so that they can in the course of duty go to and come from the Air Traffic Control Area, which has been excluded from the Site. This Area shall consist of the area round the Control Tower which does not form part of the Site.

The ground and first floors of the Control Tower shall remain in the occupation and use of the United Kingdom authorities.

(b) The Government of the United Kingdom shall not require that, in accordance with paragraph 1 of Section 3 of Part III of Annex B to the Treaty to which this Note refers, the immovable property constituting the Site be freed from the rights set out below, whether such rights subsist on the date of the entry into force of the Treaty aforesaid or, if not subsisting on such date, are created thereafter:—

- (i) a right to the owner for the time being of registered borehole No. 114/59 (which has been excluded from the area of the Site) to lay through the Site and maintain a pipeline between the borehole aforesaid and registered borehole No. 67/59 (which has also been excluded from the area of the Site) and to perform necessary works thereon;
- (ii) a right to the owner aforesaid to lay through the Site and maintain an electricity cable along the route of the pipeline hereinbefore mentioned; and
- (iii) a right of access through the Site to the owner aforesaid and to persons authorised by him, from registered borehole No. 67/59 to registered borehole No. 114/59 and back.

(c) The aerial farm hatched in red on the plan annexed to this Appendix, which forms part of the Joint User Area, and is situated to the north of the Flight Information Centre building, shall be declared a Prohibited Area by the authorities of the Republic of Cyprus. Notwithstanding its inclusion in the Joint User Area, the United Kingdom authorities shall have the sole right to guard, defend and, to the extent necessary to make this right effective, control this Area, but shall freely permit officials of or persons authorised by the Republic of Cyprus to enter and leave it and to perform appropriate works on equipment therein.

Schedule A.10/2: Water Supply to Site at Nicosia Airfield

5. The United Kingdom authorities shall continue to make available water from boreholes forming part of the Site to the authorities of the Republic of Cyprus, for purposes connected with the Civil Air Terminal, and to the camp known as Wayne's Keep. No charge shall be made for the supply of water from those boreholes.

Schedule B.1/2: Water Supply to Site at Polemidhia

6. While the United Kingdom authorities shall continue to use this Site, they shall continue to apply the present arrangements whereby they make available to the appropriate local authorities of the Republic of Cyprus any surplus water from the spring at Ayia Irini forming part of the Site which is not required by the United Kingdom authorities for their own purposes.

Schedule B.4 : Site in Famagusta on the Larnaca Road

7. If, at any time while the United Kingdom authorities continue to use this Site, the authorities of the Republic of Cyprus notify the United Kingdom authorities of their intention to widen that part of the Larnaca Road which lies along the southern boundary of the Site, the United Kingdom authorities shall, as soon as the course of works so requires, surrender from the area of the Site that part of Plot 572 of Block "A", Ayios Loukas Quarter, Famagusta, to which Public Instrument No. 1185, dated the 28th of November, 1956, relates.

Schedule B.5 : Site on and to the West of the main Famagusta-Salamis Road

8. If, at any time while the United Kingdom authorities continue to use this Site, the authorities of the Republic of Cyprus notify the United Kingdom authorities of their intention to widen that part of the Famagusta-Salamis Road which lies along the eastern boundary of the Site, the United Kingdom authorities shall give sympathetic consideration to any requests from the authorities of the Republic of Cyprus for the surrender from the area of the Site of such strips of land as may be required for the purpose of widening that road.

Schedule C.3 : Installation near Paphos

9. If at any time the authorities of the Republic of Cyprus require to bring into public use the roadway at present running through the area of the Installation from its Southern to its Northern boundary, the United Kingdom authorities shall surrender that roadway from the area of the Installation.

Schedule D.1/2 : Installation on the South-East Outskirts of Nicosia

10. The United Kingdom authorities shall remove the cables which at present project from the northern boundary of the area of the Installation on to land occupied by the authorities of the Republic of Cyprus, if at any time the authorities of the Republic of Cyprus require such removal for reasons connected with their use of the land in question. Until such time, the authorities of the Republic of Cyprus shall permit the cables to remain in their present position and shall allow the United Kingdom authorities access so that they may go to, come from and perform necessary works on those cables.

Pipelines, Cables, Channels and other Similar Items

11. In respect of existing rights, whether by virtue of ownership, lease, licence or other arrangement, to keep and maintain pipelines, cables, channels and other similar items belonging to the Government of the Republic of Cyprus, public utility corporations, local government bodies or private individuals and situated within the area of the Sites or within the area of the installations and related land listed in Schedules C and D on the date of the entry into force of the Treaty to which this Note refers:—

- (a) the Government of the United Kingdom shall not require that, in accordance with paragraph 1 of Section 3 of Part III of Annex B to that Treaty, the immovable property constituting the Site or installation concerned be freed from the existing rights aforesaid unless and until,

in the light of any prospective development of, or in the use of, the Site or installation concerned, the United Kingdom authorities require that the Site or installation be so freed; and

- (b) the United Kingdom authorities shall not unreasonably withhold permission to officials of the Republic of Cyprus, public utility corporations, local government bodies, or private individuals, and to persons authorised by them, so that, having good reason they can go to, come from, and perform necessary works on the pipelines, cables, channels and other items aforesaid, situated within such installations.

APPENDIX J

VERY SHORT-TERM SITES

Draft Exchange of Notes between the Representative of the United Kingdom authorised to sign the Treaty of Establishment and Archbishop Makarios and Dr. Kutchuk

A.—Draft Note to Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

I have the honour to refer to the Treaty concerning the Establishment of the Republic of Cyprus of to-day's date. In the course of the negotiations leading up to that Treaty, it became clear that the Government of the United Kingdom of Great Britain and Northern Ireland would require the use of three Sites not referred to in that Treaty for a very short period after it had come into force; these Sites, of which detailed plans* are attached to this Note, are located as follows:—

- L.1. To the west of Nicosia.
- L.2. At Nicosia.
- L.3. On the coast south of Famagusta.

I have the honour accordingly to propose that the Government of the United Kingdom shall continue to use these Sites for a period not exceeding six months after the date of entry into force of the Treaty, and that until the end of that period or until the Government of the United Kingdom notify the Government of the Republic of Cyprus that they no longer wish to use those Sites, whichever is the sooner, they shall be regarded as if they were "Sites" listed in Schedule B to Part II of Annex B to the Treaty, and the Treaty, including the Annexes to it, shall apply to them as it applies to the other Sites listed in that Schedule.

2. I have the honour to suggest that, if these proposals are acceptable to the Government of the Republic of Cyprus, this Note, together with your reply to that effect, shall be regarded as constituting an agreement in this matter between the Government of the United Kingdom and the Government of the Republic of Cyprus which shall enter into force on to-day's date.

B.—Draft Reply by Archbishop Makarios and Dr. Kutchuk

Your Excellency,

We have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:

[text as above]

2. Copies of the plans attached to your Note are also attached hereto.

3. The proposals set out in that Note are acceptable to the Government of the Republic of Cyprus and we have the honour therefore to confirm that your Note, together with this reply, shall constitute an agreement accordingly.

* Not printed.

APPENDIX K

CROWN PROPERTIES IN THE SOVEREIGN BASE AREAS

Draft Exchange of Notes between the Representative of the United Kingdom authorised to sign the Treaty of Establishment and Archbishop Makarios and Dr. Kutchuk

A.—Draft Note to Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

I have the honour, with reference to Sections 1 and 4 of Annex E to the Treaty concerning the establishment of the Republic of Cyprus of to-day's date, to propose that:

- (a) the properties in the Akrotiri Sovereign Base Area and in the Dhekelia Sovereign Base Area, described in the Schedule attached to this Note and indicated on the plans annexed thereto, shall be transferred to the Republic of Cyprus and the necessary legal steps to effect their transfer in accordance with the law in force in the said areas shall be taken as soon as possible;
- (b) subject to the military requirements and security needs of the United Kingdom of Great Britain and Northern Ireland and provided that any actual expenditure incurred by the Government of the United Kingdom in acquiring any private land is reimbursed to the Government of the United Kingdom, sympathetic consideration shall be given to any request from the Government of the Republic of Cyprus for transfer to the Republic of the property within those areas in which archaeological remains of public interest are in future discovered; and
- (c) where property is transferred to the Republic of Cyprus under the proposals contained in this Note, rights of access to be agreed shall be granted in connexion with the property concerned.

2. I have the honour further to propose that the Republic of Cyprus shall have the sole right to use and develop the salt lake at Akrotiri for economic, commercial, industrial and all other civilian purposes; this right shall not be in any way limited except in so far as is necessary for the military requirements and security needs of the United Kingdom.

3. I have the honour to suggest that if the above proposals are acceptable to the Government of the Republic of Cyprus, this Note, together with your reply to that effect, shall be regarded as constituting an agreement in this matter between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Cyprus which shall enter into force on to-day's date.

SCHEDULE OF PROPERTIES

*Number Shown
on the Plans
Annexed*

Description

- (1) Part of the site and remains of Curium.
- (2) The Sanctuary of Apollo Hylates near Curium.
- (3) The Stadium of Curium.
- (4) The ancient cemetery at Ayios Ermoyenis near Curium.
- (5) Pumphouse and bore-hole supplying water to the Power Station of the Electricity Authority of Cyprus together with existing rights to lay and maintain a pipeline and electricity cable to that Power Station.
- (6) Bore-hole supplying water to Akhna Police Station together with existing rights to lay and maintain a pipeline and electricity cable between that bore-hole and that Police Station.
- (7) That part which is situated within the Dhekelia Sovereign Base Area of the grounds of the Pergamos School.
- (8) Movable property in use at the Agricultural Station at Evdhimou.
- (9) Movable property in use at the nursery ground at Xylotymbou.

The areas of the immovable properties numbered (1), (2), (3), (4), (5), (6) and (7) are as so numbered and coloured red on the annexed plans*.

B.—Draft Reply by Archbishop Makarios and Dr. Kutchuk

Your Excellency,

We have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:—

[text as A]

2. Copies of the Schedule attached to your Note and of the plans annexed to the Schedule are also attached hereto.

3. The proposal set out in that Note is acceptable to the Government of the Republic of Cyprus and we have the honour therefore to confirm that your Note, together with this reply, shall constitute an agreement accordingly.

* Not printed.

APPENDIX L

IDENTIFICATION OF LOANS

Draft Note from the Representative of the United Kingdom authorised to sign the Treaty of Establishment to Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

I have the honour to refer to the Treaty concerning the Establishment of the Republic of Cyprus of to-day's date and, as has been agreed between us, to place on record that the following are the loans referred to in paragraph 3 (b) (ii) of Section 2 of Annex E thereof:—

- (1) The loan of one million one hundred thousand pounds sterling made on the 28th October, 1959, for general development;
- (2) the loan of sixty-four thousand five hundred pounds made under Colonial Development and Welfare Scheme No. D 3813 of 1959 for village irrigation; and
- (3) the loan of one hundred and sixty thousand pounds sterling made under Colonial Development and Welfare Scheme No. D 3827 of 1959 for Morphou Bay water supply;

to the extent that the amounts of the loans have been advanced to the Government of the Colony or will have been so advanced on the date of entry into force of the Treaty.

I have the honour, &c.

Draft Reply by Archbishop Makarios and Dr. Kutchuk

Your Excellency,

We have the honour to acknowledge receipt of your Note of to-day's date, which reads as follows:—

[text as above]

We have the honour, &c.

APPENDIX M

CUSTOMS DUTIES

Draft Exchange of Notes between the Representative of the United Kingdom authorised to sign the Treaty of Establishment and Archbishop Makarios and Dr. Kutchuk

A.—Draft Note to Archbishop Makarios and Dr. Kutchuk
Your Excellencies,

I have the honour, with reference to sub-paragraph (b) of paragraph 4 of Section 11 of Annex C and Section 7 of Annex F to the Treaty concerning the Establishment of the Republic of Cyprus of to-day's date, to set out the arrangements which were agreed between us as follows:—

- (a) Importation into the territory of the Republic of Cyprus or into the United Kingdom Sovereign Base Areas by the Navy, Army and Air Force Institutes (in this Note referred to as "NAAFI") of beer, ale, porter and stout, originating in and consigned from any country within the British Commonwealth, manufactured tobacco, whisky and gin and other potable spirits (excluding wines) shall be free of duty.
- (b) Importation into the territory of the Republic of Cyprus or into the United Kingdom Sovereign Base Areas by NAAFI of beer, ale, porter and stout originating in or consigned from any country not within the British Commonwealth shall be liable to import duty at agreed rates and initially at the rate of 120 mils per gallon.
- (c) Importation free of duty as provided by sub-paragraph (a) and importation at a special rate of duty as provided by sub-paragraph (b) above shall not exceed the quantities for each person permitted in accordance with the scales applied to members of Her Majesty's Forces immediately before the entry into force of the Treaty.
- (d) NAAFI shall not offer for sale in the territory of the Republic of Cyprus or in the United Kingdom Sovereign Base Areas any of the goods listed in Appendix I to this Note unless such goods have been locally purchased or any duty payable on their importation has been paid.
- (e) Any duty paid by NAAFI on the importation of goods shall be refunded to it, unless such duty has been paid on the importation of—
 - (i) any goods specified in sub-paragraph (b) above;
 - (ii) any excess over the quantities referred to in sub-paragraph (c) above; or
 - (iii) any goods listed in Appendix I to this Note.
- (f) Beer manufactured locally and delivered to or on behalf of NAAFI in the territory of the Republic of Cyprus or in the Sovereign Base Areas shall be chargeable to excise duty at agreed rates and initially at 50 mils per gallon.

- (g) Retail sales by NAAFI of all goods, with the exception of those imported free of duty as provided by sub-paragraph (a) or imported at a special rate of duty as provided by sub-paragraph (b) above, shall be at retail prices in line with those prevailing in reputable local shops.
- (h) Arrangements shall be made, where practicable and reasonable, for goods imported free of duty and sold by NAAFI to be marked in such a way as to show that the sale was by NAAFI.
- (i) Shops established by NAAFI in the territory of the Republic of Cyprus elsewhere than within the boundaries of the Site numbered A10/1 and of the area numbered C2/1 in Schedules A and C respectively to Part II of Annex B to the Treaty shall not offer for sale any of the goods (other than wines and kerosene) listed in the Appendices to this Note unless such goods have been locally purchased. Effect shall be given to the provision of this paragraph as soon as possible and in any event within six months from the date of entry into force of the Treaty.
- (j) Arrangements shall be made for NAAFI and the United Kingdom authorities to maintain and scrutinise individual records of sales with a view to ensuring that purchases are made in reasonable quantities and for the legitimate use of persons authorised to make those purchases.
- (k) There shall be co-operation between the United Kingdom authorities and the authorities of the Republic of Cyprus in all matters relating to the application of the provisions of this Note and for this purpose full use shall be made of the Committee to be established under Annex F to the Treaty.
- (l) The arrangements set out in this Note shall be reviewed by the United Kingdom authorities and the authorities of the Republic of Cyprus with a view to agreeing such changes as may be desirable in the light of any recommendations of the Special Committee on Customs Arrangements established for this purpose and from time to time in the light of practical experience.

2. I have the honour to suggest that, if these arrangements are acceptable to the Government of the Republic of Cyprus, this Note, together with your reply to that effect, shall be regarded as constituting an agreement in this matter between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Cyprus which shall enter into force on to-day's date.

APPENDIX I

Agricultural machinery

Building and construction materials

Expensive fur coats

Explosives other than cartridges

Industrial machinery

Motor cars and motor bicycles, and spare parts for motor cars and motor bicycles, of a model and type easily obtainable from or through agents in the Republic of Cyprus

Petrol and kerosene

Precious stones

Television sets, unless and until the United Kingdom establishes television facilities for United Kingdom personnel in the island of Cyprus

Wines

APPENDIX II

All domestic electric tools and appliances

All electrical musical equipment

Kitchen utensils

Crockery, glassware and cutlery

Musical instruments

Typewriters

Beach and garden furniture and equipment

Travel goods

Vacuum flasks and containers

Photographic equipment

Electric razors

Prams, baby carriages and nursery furniture

Sports equipment

Major items of household equipment

Expensive watches or clocks

Expensive cigarette lighters

Expensive fountain pens

Clothing and footwear.

B.—Draft Reply by Archbishop Makarios and Dr. Kutchuk

Your Excellency,

We have the honour to acknowledge the receipt of your Note of to-day's date which reads as follows:—

[text as above including the Appendices]

2. The arrangements set out in that Note are acceptable to the Government of the Republic of Cyprus and we have the honour therefore to confirm that that Note, together with this reply, shall constitute an agreement accordingly.

SPECIAL COMMITTEE ON CUSTOMS ARRANGEMENTS

Draft Letter from the Governor to Archbishop Makarios and Dr. Kutchuk

During the discussion of paragraph 4 of Section 11 of Annex C to the Draft Treaty concerning the Establishment of the Republic of Cyprus, it was proposed that a Committee, composed of representatives nominated by the Government of the United Kingdom and by the President-elect and the Vice-President-elect of the Republic of Cyprus, should be established to consider and, as soon as possible, make recommendations on suitable arrangements for the purposes of sub-paragraph (b) of that paragraph, having regard in particular to—

- (a) the welfare of the United Kingdom forces in the Island of Cyprus;
- (b) the avoidance of damage to the economy of the Republic of Cyprus;
- (c) the prevention of abuse of the customs privileges to be accorded under sub-paragraph (b) of paragraph 4 of Section 11 of Annex C; and
- (d) the arrangements mentioned in the agreement set out in the agreed draft of the Notes to be exchanged, with reference to that sub-paragraph and Section 7 of Annex F to the Treaty, between the Government of the United Kingdom and the President-elect and Vice-President-elect of the Republic of Cyprus on the entry into force of the Treaty of Establishment.

It was also proposed that the Committee should consult as they may think necessary representatives of the Cypriot Chambers of Commerce and of the Navy, Army and Air Force Institutes.

If the above proposals for the establishment of a Committee are acceptable to you, I shall take immediate steps for it to be convened.

APPENDIX N

MOST-FAVOURED-NATION TREATMENT

I

Draft Exchange of Notes between the Representative of Greece/Turkey authorised to sign the Treaty of Establishment and Archbishop Makarios and Dr. Kutchuk

A.—Draft Note from Archbishop Makarios and Dr. Kutchuk

Your Excellency,

We have the honour, with reference to the Treaty concerning the Establishment of the Republic of Cyprus of to-day's date, to propose that Part II of Annex F to the Treaty shall not require the Republic to offer to enter into any agreement to extend to the Kingdom of Greece/Republic of Turkey the benefit of any preferences in respect of import duties or charges which are from time to time granted to any one or more of the territories enumerated in the following list:—

The United Kingdom of Great Britain and Northern Ireland;

The Commonwealth of Australia;

Burma;

Canada;

Ceylon;

Ghana;

India;

The Republic of Ireland;

The Federation of Malaya;

New Zealand;

Pakistan;

The Federation of Rhodesia and Nyasaland;

The Union of South Africa;

Territories for the international relations of which the Government of any of the territories listed above is responsible at the date of entry into force of the Treaty.

2. We have the honour to suggest that, if this proposal is acceptable to the Government of the Kingdom of Greece/Republic of Turkey, this Note, together with your reply to that effect, shall be regarded as constituting an agreement in this matter between the Government of the Kingdom of Greece/Republic of Turkey and the Government of the Republic of Cyprus which shall enter into force on to-day's date.

B.—Draft Reply to Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

I have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:—

[text as above]

2. The proposal set out in that Note is acceptable to the Government of the Kingdom of Greece/Republic of Turkey and I have the honour, therefore, to confirm that your Note, together with this reply, shall constitute an agreement accordingly.

II

Draft Exchange of Letters between the Representative of the United Kingdom authorised to sign the Treaty of Establishment and Archbishop Makarios and Dr. Kutchuk

A.—Draft Letter from Archbishop Makarios and Dr. Kutchuk

Your Excellency,

We have the honour, with reference to Part II of Annex F to the Treaty concerning the Establishment of the Republic of Cyprus of to-day's date, to transmit herewith copies of Notes exchanged this day between the Government of the Republic of Cyprus and the Governments of the Kingdom of Greece and of the Republic of Turkey respectively and to request your confirmation that the agreements constituted thereby are satisfactory to the Government of the United Kingdom of Great Britain and Northern Ireland.

B.—Draft Letter to Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

I have the honour to acknowledge receipt of your letter of to-day's date transmitting, with reference to Part II of Annex F to the Treaty concerning the Establishment of the Republic of Cyprus of to-day's date, copies of Notes exchanged this day between the Government of the Republic of Cyprus and the Governments of the Kingdom of Greece and of the Republic of Turkey respectively and to confirm that the agreements constituted thereby are satisfactory to the Government of the United Kingdom of Great Britain and Northern Ireland.

APPENDIX O

DECLARATION BY HER MAJESTY'S GOVERNMENT REGARDING THE ADMINISTRATION OF THE SOVEREIGN BASE AREAS

Declaration by Her Majesty's Government regarding the Administration of the Sovereign Base Areas, being those Areas mentioned in Article 1 of the Treaty concerning the Establishment of the Republic of Cyprus which remain under the Sovereignty of the United Kingdom

Her Majesty's Government declare that the main objects to be achieved are:—

- (1) Effective use of the Sovereign Base Areas as military bases.
- (2) Full co-operation with the Republic of Cyprus.
- (3) Protection of the interests of those resident or working in the Sovereign Base Areas.

2. Her Majesty's Government further declare that their intention accordingly will be—

- (i) Not to develop the Sovereign Base Areas for other than military purposes.
- (ii) Not to set up and administer "colonies".
- (iii) Not to create customs posts or other frontier barriers between the Sovereign Base Areas and the Republic.
- (iv) Not to set up or permit the establishment of civilian commercial or industrial enterprises except in so far as these are connected with military requirements, and not otherwise to impair the economic, commercial or industrial unity and life of the Island.
- (v) Not to establish commercial or civilian seaports or airports.
- (vi) Not to allow new settlement of people in the Sovereign Base Areas other than for temporary purposes.
- (vii) Not to expropriate private property within the Sovereign Base Areas except for military purposes on payment of fair compensation.

3. With these purposes in mind, and subject to their military requirements and security needs, Her Majesty's Government make the following declaration of intention—

(1) *Freedom of Access*

Cypriots (and others resident in the Republic) will have freedom of access and communications to and through the Sovereign Base Areas, and of employment and cultivation in the Sovereign Base Areas and freedom of navigation and fishing in the territorial waters thereof.

(2) *Legislation*

The laws applicable to the Cypriot population of the Sovereign Base Areas will be as far as possible the same as the laws of the Republic.

(3) *Protection of Cypriot Rights*

The rights of Cypriots (and others resident in the Republic) and Cypriot communities and corporations in regard to property will be fully protected.

(4) *Public Services*

The Republic will be invited to provide a wide range of public services to be performed for Cypriots in the Sovereign Base Areas. These will include Education, Agriculture, Co-operative Development, Labour and Social Insurance, Social Welfare, Health and Medical Services, Postal Services, Forestry Services and Statistics. In addition Cypriot public utility services will be free to operate in the Sovereign Base Areas.

(5) *Antiquities*

The ancient monuments and antiquity sites specified in the schedule to this Declaration will be administered and maintained by the Republic. Licences for antiquity excavation will be issued by the Republic but will be subject to the consent of the authorities of the Sovereign Base Areas. Movable antiquities found in excavations or discovered will be the property of the Republic.

(6) *Water Control*

Subject only to military requirements and security needs being met, the policy to be carried out in regard to water control in the Sovereign Base Areas will be considered and decided by a joint committee.

(7) *Customs*

The Republic will be invited to collect and keep such customs duties as may, by arrangement, be levied on goods imported through ports in the Republic and destined for the Sovereign Base Areas. Arrangements will be made for the Republic to receive customs duties on commercial and personal imports, if any, collected by the authorities of the Sovereign Base Areas.

(8) *Taxes*

Taxes, rates and fees payable by Cypriots or in respect of Cypriot property in the Sovereign Base Areas will be as far as possible the same as those in the Republic. The Republic will be invited to collect and keep taxes, rates and fees due from Cypriots resident or working in the Sovereign Base Areas or payable by Cypriots on privately owned or occupied immovable property therein. (This will apply also to taxes, rates and fees due from non-Cypriot residents and workers, exclusive of military personnel, civilians working with them and their families).

(9) *Currency and Exchange Control*

The currency of the Republic will be legal tender in the Sovereign Base Areas and the Exchange Control Regulations in the Sovereign Base Areas will be co-ordinated with those in the Republic.

(10) *Mining*

The Republic will be invited to collect and keep revenue derived from any royalties due or taxes payable on minerals obtained in the Sovereign Base Areas, and fees in respect of mining and prospecting licences, and for these purposes will be invited to issue licences in relation to these matters, subject to the consent and control of the authorities of the Sovereign Base Areas. These arrangements will not apply to stone, shingle, sand, gravel or other building and construction materials obtained by, or to mining and prospecting for such materials by, the United Kingdom authorities, or their contractors and others acting on their behalf.

(11) *Land Registration*

Arrangements will be made for the Land Registry of the Republic to perform, in relation to privately-owned land in the Sovereign Base Areas, the same functions relating to the issue of titles and the execution of transfers and ancillary services as are performed by the Land Registry of the Republic in regard to privately-owned land in the Republic.

(12) *Civil Proceedings*

Arrangements will be made to enable legal proceedings concerning civil rights and obligations in which all the parties are Cypriots to take place in the Courts of the Republic, and for the enforcement within the Sovereign Base Areas of the judgments and orders of such Courts in such proceedings.

(13) *Criminal Proceedings*

Arrangements will also be made to enable certain criminal proceedings in which both the complainant and accused are Cypriots to be tried by the Courts of the Republic.

(14) *Prisons*

Cypriots tried in the Courts of the Republic in pursuance of such arrangements will, if convicted and sentenced to imprisonment, serve their sentences in the Prisons of the Republic.

(15) *Police*

There will be co-operation between the Police and the Gendarmerie of the Republic and the Police of the Sovereign Base Areas for the prevention and detection of crime and facilities will be given to the Police and Gendarmerie of the Republic for the investigation of offences triable by the Courts of the Republic.

(16) *Assessment Tribunals*

Where compulsory acquisition or requisition of private land is necessary for military purposes, the authorities of the Sovereign Base Areas will normally invite an assessor appointed by the Republic to assist the tribunal concerned in regard to compensation.

(17) *District Officers*

The District Officers of the Republic will be invited to perform such administrative duties in relation to Cypriots within the Sovereign Base Areas as may be agreed by the authorities of the Sovereign Base Areas and the Republic.

(18) *Labour*

Cypriot labour, staff and contractors will be employed in the Sovereign Base Areas in accordance with the provisions of the Treaty of Establishment.

(19) *Commerce and Industry*

The Republic will be invited to carry out in the Sovereign Base Areas the registration of companies and partnerships and such other administrative functions as may be agreed in the sphere of commerce, industry, transport and employment.

4. It is understood that—

- (a) there will be no discrimination by the authorities of the Republic against those who live or work in the Sovereign Base Areas;
- (b) expenses incurred in the exercise of any functions or services performed by the Republic in accordance with these arrangements will be borne by the Republic.

5. Her Majesty's Government are willing to co-operate with the Republic in the establishment as soon as possible of a Joint Consultative Board to advise the authorities of the Republic and those of the Sovereign Base Areas on such arrangements as may be necessary from time to time to give effect to the intentions of Her Majesty's Government set out in this Declaration. It is intended that this machinery of consultation and co-operation should apply to all aspects of this Declaration. It could also deal with questions of water supplies through the joint committee referred to in Annex B, Part II, Section 8 (3) of the Treaty concerning the Establishment of the Republic of Cyprus.

SCHEDULE

(Paragraph 3, Clause (5))

The following monuments and sites as delineated on the relative plans deposited with the Department of Lands and Surveys in Nicosia, the District Office of Limassol and the appropriate United Kingdom authorities in the Akrotiri Sovereign Base Area.

- (1) The Site and remains of Curium.
- (2) The Sanctuary of Apollo Hylates near Curium.
- (3) The Stadium of Curium.
- (4) The ancient Cemetery at Ayios Ermoyenis near Curium.
- (5) The Church and remains of the Monastery of St. Nicholas of the Cats.

Draft United Kingdom Letter to Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

I have the honour to transmit herewith to Your Excellencies the text of the Declaration made by the Government of the United Kingdom of Great Britain and Northern Ireland regarding the administration of the Sovereign Base Areas, being those areas mentioned in Article 1 of the Treaty concerning the establishment of the Republic of Cyprus which remain under the sovereignty of the United Kingdom.

I have the honour further to inform Your Excellencies that the Government of the United Kingdom desire to assure the Government of the Republic of Cyprus that they are determined to stand by that Declaration and thereby to create a continuous and lasting system of administration in the Sovereign Base Areas founded on close co-operation between the authorities of those areas and the authorities of the Republic of Cyprus.

The Government of the United Kingdom, in their desire that no difficulties should arise from the application of that Declaration, and in order to give effect to what is stated above, are determined to make the necessary practical arrangements.

Draft Reply by Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

We have the honour to acknowledge receipt of your letter of to-day's date, which reads as follows:—

[Insert text of the letter]

We have taken due note of the contents of this letter.

APPENDIX P

FUTURE OF SOVEREIGN BASE AREAS

Draft Exchange of Notes between the Representative of the United Kingdom authorised to sign the Treaty of Establishment and Archbishop Makarios and Dr. Kutchuk

A.—Draft Note to Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

I have the honour to refer to the Sovereign Base Areas mentioned in Article 1 of the Treaty concerning the establishment of the Republic of Cyprus and in this connexion to state that the Government of the United Kingdom of Great Britain and Northern Ireland do not intend to relinquish their sovereignty or effective control over the Sovereign Base Areas and that therefore the question of their cession does not arise.

B.—Draft Reply by Archbishop Makarios and Dr. Kutchuk

Your Excellency,

We have the honour to acknowledge receipt of your Note of to-day's date, which reads as follows:—

[Text as A above]

2. We wish, on behalf of the Government of the Republic of Cyprus, to assure you that the Republic of Cyprus will not demand that the United Kingdom should relinquish their sovereignty or effective control over the Sovereign Base Areas. In the event, however, that the Government of the United Kingdom, in view of changes in their military requirements, should at any time decide to divest themselves of the aforesaid sovereignty or effective control over the Sovereign Base Areas, or any part thereof, it is understood that such sovereignty or control shall be transferred to the Republic of Cyprus.

C.—Draft Note to Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

I have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:—

[Text as B above]

2. I have the honour further to state that the Government of the United Kingdom are in full agreement with the views contained in that Note.

APPENDIX Q

COLONIAL STOCK

Draft Exchange of Notes between the Representative of the United Kingdom authorised to sign the Treaty of Establishment and Archbishop Makarios and Dr. Kutchuk

A.—Draft Note to Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

I have the honour to refer to the Treaty concerning the Establishment of the Republic of Cyprus of to-day's date, and to request you to confirm that the Republic of Cyprus undertakes that it will submit to the jurisdiction of United Kingdom Courts in any action which may be brought in respect of stock which has, whether before or after the date of entry into force of that Treaty, been registered in the United Kingdom in accordance with the Acts of the Parliament of the United Kingdom known as the Colonial Stock Acts, 1877 to 1948, as from time to time amended.

2. I have the honour to suggest that, if the undertaking proposed above is acceptable to the Government of the Republic of Cyprus, this Note, together with your reply to that effect, shall be regarded as constituting an agreement in this matter between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Cyprus which shall enter into force on to-day's date.

B.—Draft Reply by Archbishop Makarios and Dr. Kutchuk

Your Excellency,

We have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:—

[text as above]

2. The Government of the Republic of Cyprus hereby gives the undertaking requested in that Note and we have the honour therefore to confirm that that Note, together with this reply, shall constitute an agreement accordingly.

FINANCIAL ASSISTANCE TO THE REPUBLIC OF CYPRUS

Draft Exchange of Notes between the Representative of the United Kingdom authorised to sign the Treaty of Establishment and Archbishop Makarios and Dr. Kutchuk

A.—Draft Note to Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

I have the honour to refer to discussions on financial matters which took place during the negotiations leading up to the Treaty concerning the Establishment of the Republic of Cyprus of to-day's date. In the course of these discussions, agreement was reached between us on the following arrangements:—

- (a) the Government of the United Kingdom of Great Britain and Northern Ireland shall pay to the Government of the Republic of Cyprus, by way of grant, the sum of £12 million during the period of five years ending on the 31st March, 1965. This sum shall be made available as follows:—
 - In the financial year ending on the 31st March, 1961, £4,000,000.
 - In the financial year ending on the 31st March, 1962, £3,000,000.
 - In the financial year ending on the 31st March, 1963, £2,000,000.
 - In the financial year ending on the 31st March, 1964, £1,500,000.
 - In the financial year ending on the 31st March, 1965, £1,500,000.
- (b) In addition to the sum of £12 million mentioned in sub-paragraph (a) above, the Government of the United Kingdom shall
 - (i) pay to the Government of the Republic, by way of grant, the sum of £500,000 towards the construction of a new Civil Air Terminal at Nicosia Airport;
 - (ii) pay to the Government of the Republic, by way of grant, a sum not exceeding £500,000, to be paid in accordance with detailed arrangements to be agreed within the principles set out in the Schedule hereto, for inhabitants of Akrotiri who desire to leave Akrotiri and settle within the territory of the Republic of Cyprus;
 - (iii) pay to the Government of the Republic, by way of grant, a sum not exceeding £340,000 towards the cost of constructing roads within the territory of the Republic for the purpose of by-passing the Ayios Nikolaos region of the Dhekelia Sovereign Base Area; and
 - (iv) on a request by the Government of the Republic for financial assistance towards an extension of the electricity supply in the Island of Cyprus, make a loan in an amount and on terms to be agreed between the two Governments, such terms to be comparable to those generally applicable at the time to loans being made by the Government of the United Kingdom to independent member countries of the Commonwealth.

- (c) Within the period of six months immediately before the 31st March, 1965, and before the end of each succeeding period of five years, the Government of the United Kingdom shall review, in consultation with the Government of the Republic, the provisions of sub-paragraph (a) of this paragraph and, taking all factors into account, including the financial requirements of the Government of the Republic, shall, after full consultation with the Government of the Republic, determine the amount of financial aid to be provided to that Government in the following period of five years.
- (d) Except as may be provided in the above-mentioned Treaty or as may to-day otherwise have been agreed and recorded between us, the Government of the Republic shall not make any claims against the Government of the United Kingdom and the Government of the United Kingdom shall not make any claims against the Government of the Republic arising or purporting to arise out of or in connexion with either the administration of Cyprus or the establishment of the Republic of Cyprus.

2. I have the honour to suggest that, if the above arrangements are acceptable to the Government of the Republic, this Note, together with your reply to that effect, shall constitute an agreement in this matter between the Government of the United Kingdom and the Government of the Republic which shall enter into force on to-day's date.

B.—Reply by Archbishop Makarios and Dr. Kutchuk

Your Excellency,

We have the honour to acknowledge the receipt of your Note of to-day's date which reads as follows:—

[text as above]

2. The proposals set out in that Note are acceptable to the Government of the Republic of Cyprus and we have the honour therefore to confirm that your Note, together with this reply, shall constitute an agreement accordingly.

SCHEDULE

The following are the principles referred to in paragraph 1 (b) (ii) of this Note:—

- (a) resettlement will not be compulsory;
- (b) there will be no organised resettlement of the whole community; resettlement will be carried out on a voluntary and individual basis;
- (c) those who leave will keep their agricultural land and other property;
- (d) those who leave will not be allowed to return to their houses for permanent residence;

- (e) the Republic will be responsible for administering the resettlement scheme;
- (f) payments by the Government of the United Kingdom will not exceed expenditure incurred under the resettlement scheme;
- (g) applications for a resettlement grant will be considered only if made within one year from to-day's date;
- (h) villagers will be eligible for a resettlement grant only if on moving into the Republic they have no nationality other than that of the Republic.

APPENDIX S

FINANCIAL LIABILITIES OUTSTANDING AT THE DATE OF INDEPENDENCE

Draft Exchange of Notes between the Representative of the United Kingdom authorised to sign the Treaty of Establishment and Archbishop Makarios and Dr. Kutchuk

A.—Draft Note to Archbishop Makarios and Dr. Kutchuk
Your Excellencies,

I have the honour, with reference to the discussions leading to the Exchange of Notes between us of to-day's date on financial matters, to confirm our understanding that there are certain financial matters to be settled outside the terms of those Notes and accordingly to set out the following arrangements agreed between us in connexion with those matters:—

- (a) The Government of the United Kingdom shall pay to the Government of the Republic all sums which may be owing immediately before to-day's date to the Government of the Colony in respect of works and services carried out, and of disbursements made, before to-day's date by the Government of the Colony, for and on behalf of the Government of the United Kingdom on a repayment basis, including
 - (i) pensions and other like allowances;
 - (ii) the agreed share of the Government of the United Kingdom in the cost of the Flight Information Centre, Nicosia, (being half of the salaries and other expenses of the centre), including the agreed part of the cost of supplementary air traffic controllers temporarily introduced during July, 1958;
 - (iii) payments made towards the maintenance of destitute persons in Egypt and the evacuation of certain persons from Egypt;
 - (iv) expenditure incurred on the construction of the following: Episkopi by-pass: Akhna by-pass: Dhekelia–Pergamos road: and certain road works in the vicinity of Ormidhia;
 - (v) payments made in respect of the requisitioning or acquisition (compulsorily or otherwise) by the Government of the Colony of property for and on behalf of the Government of the United Kingdom;
 - (vi) payments for the construction and maintenance of camps in the Paphos district.
- (b) The Government of the Republic shall pay to the Government of the United Kingdom
 - (i) all sums which may be owing immediately before to-day's date by the Government of the Colony in respect of works and services carried out, and of disbursements made before to-day's date by the Government of the United Kingdom, for and on behalf of the Government of the Colony on a repayment basis.

- (ii) monies repayable to the Government of the United Kingdom or authorised Service Organisations of the United Kingdom, according to the law or administrative practice of the Government of the Colony obtaining immediately before to-day's date, in respect of any refund or drawback of customs duties paid on goods or stores imported before to-day's date.
- (c) The Government of the United Kingdom shall, in respect of any property requisitioned before to-day's date by the Government of the Colony for the use of the Government of the United Kingdom, discharge, or reimburse to the Government of the Republic payments made to discharge, any liability towards a third party which may be outstanding immediately before to-day's date, according to the law or administrative practice in force immediately before to-day's date.
- (d) (i) The Government of the United Kingdom shall pay to the Government of the Republic, and the Government of the Republic shall pay to the Government of the United Kingdom, all sums which in each case the former Government has collected for and on behalf of the latter.
- (ii) The Government of the United Kingdom shall pay to the Government of the Republic, and the Government of the Republic shall pay to the Government of the United Kingdom, all sums which in each case the former Government owes at to-day's date to the latter Government in respect of postal transactions.
- (e) There shall be a final accounting in respect of colonial development and welfare schemes for the purpose of ensuring that the amount of the grant or loan issued by the Government of the United Kingdom in respect of each scheme is equal to the amount of expenditure actually incurred on and under the terms of that scheme before to-day's date; and any sums which may be found due as a result of such accounting shall be paid by the one Government to the other, as the case may require.
- (f) In this Note:—
 - (i) the words "Government of the United Kingdom" mean the Government of the United Kingdom of Great Britain and Northern Ireland;
 - (ii) the words "Government of the Colony" and "Government of the Republic" mean respectively the Government of the Colony of Cyprus and the Government of the Republic of Cyprus;
 - (iii) reference to "the Government of the United Kingdom" shall be construed as including reference to the Government of any territory for whose international relations the Government of the United Kingdom is at to-day's date responsible;
 - (iv) reference to any Government shall be construed as including references to any department of that Government or to any public authority of the country or territory of that Government.

2. I have the honour to suggest that if the arrangements set out above are acceptable to the Government of the Republic, this Note, together with

your reply to that effect, shall be regarded as constituting an agreement in this matter between the Government of the United Kingdom and the Government of the Republic which shall enter into force on to-day's date.

B.—Draft Reply by Archbishop Makarios and Dr. Kutchuk

Your Excellency,

We have the honour to acknowledge receipt of your Note of to-day's date which reads as follows :—

[text as above]

2. The arrangements set out in that Note are acceptable to the Government of the Republic of Cyprus and we have the honour therefore to confirm that your Note, together with this reply, shall constitute an agreement accordingly.

APPENDIX T

BRITISH RESIDENTS IN CYPRUS

Draft Exchange of Notes between the Representative of the United Kingdom authorised to sign the Treaty of Establishment and Archbishop Makarios and Dr. Kutchuk

A.—Draft Note to Archbishop Makarios and Dr. Kutchuk

Your Excellencies,

I have the honour, with reference to the discussions which took place during the negotiations leading up to the Treaty concerning the Establishment of the Republic of Cyprus of to-day's date, to set out the arrangements with respect to British residents in the Republic of Cyprus, which were agreed between us, as follows:—

(a) Circumstances may arise in which under existing Cyprus law (The Immovable Property Acquisition (Aliens) Law, Chapter 228 of the Statute Laws of Cyprus) British residents would not be permitted, as aliens, to acquire immovable property in the Republic of Cyprus, otherwise than by inheritance, without the consent of the Government of the Republic of Cyprus. Since no restriction will be placed upon the acquisition of immovable property in the United Kingdom by persons who become citizens of the Republic of Cyprus and who on [insert the “agreed date” to be specified in Section 1 of Annex D to the Treaty] are ordinarily resident in the United Kingdom, or by their descendants, the Government of the Republic of Cyprus are prepared to secure that British residents and their descendants and the wives and widows of such persons, who are ordinarily resident in the Republic of Cyprus, will be able to acquire immovable property in the Republic of Cyprus without restriction.

(b) Since no restriction will be placed on persons, who become citizens of the Republic of Cyprus, who are ordinarily resident in the United Kingdom on [insert the “agreed date” to be specified in Section 1 of Annex D to the Treaty] and who leave the United Kingdom, in remitting to Cyprus from the United Kingdom their assets (including the realised proceeds of their capital assets) and payments of pensions and other like benefits made in the United Kingdom after they have left, the Government of the Republic of Cyprus are prepared to secure that British residents, who leave the Republic, will be able to remit from Cyprus their assets (including the realised proceeds of their capital assets) and payments of pensions and other like benefits made in Cyprus after they have left.

(c) The British residents attach importance to their freedom of entry into and exit from the Republic of Cyprus, their residence in the Republic, their pursuit of any legitimate gainful occupation (including both the right to give and to accept employment) and to their suffering no disability by addressing the authorities of the Republic of Cyprus in the English language. The Government of the Republic of Cyprus are prepared to give an assurance that the British residents, and their descendants and the

wives and widows of such persons, whose home is in Cyprus, will suffer no disability in respect of the matters mentioned in this sub-paragraph.

(d) In this Note, "British residents" means citizens of the United Kingdom and Colonies of United Kingdom origin, ordinarily resident in Cyprus on to-day's date, who do not become citizens of the Republic of Cyprus.

2. I have the honour to suggest that, if the arrangements set out in this Note are acceptable to the Government of the Republic of Cyprus, this Note, together with your reply to that effect, shall be regarded as constituting an agreement in this matter between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Cyprus which shall enter into force on to-day's date.

B.—Draft reply by Archbishop Makarios and Dr. Kutchuk

We have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:—

[text as above]

2. The arrangements set out in that Note are acceptable to the Government of the Republic of Cyprus and we have the honour therefore to confirm that that Note, together with this reply, shall constitute an agreement accordingly.

APPENDIX U

FINANCIAL ASSISTANCE TO TURKISH COMMUNITY

Draft Exchange of Letters between the Governor and Dr. Kutchuk and Mr. Denktash

A.—Text of Letter from the Governor to Dr. Kutchuk and Mr. Denktash

I have the honour to inform you that the Government of the United Kingdom of Great Britain and Northern Ireland have decided to make available the sum of £1,500,000 by way of grant to the Turkish community in Cyprus to be used for education, the development of Vakf property and cultural and other like purposes which fall within the competence of the Turkish Communal Chamber as it is to be established under the Constitution of the Republic of Cyprus.

2. Accordingly, I propose the following arrangements:—

- (a) The Government of the United Kingdom shall pay the sum of £1 million, for the purposes mentioned in paragraph 1 above, to the Turkish Communal Chamber, in instalments as required for purposes which have been approved by that Chamber for immediate execution during the two years following the date of Independence for Cyprus.
- (b) In order to meet urgent requirements of the Turkish community, for the purposes set out in the Schedule hereto, before the establishment of the Turkish Communal Chamber the Government of the United Kingdom shall pay the sum of £500,000 into a joint account in your name with the Turkish Bank of Nicosia on condition that:—
 - (i) any payments out of that account shall be made only for the purposes mentioned in this sub-paragraph and with the consent of the High Council of Evcaf and upon the signature of both of you and
 - (ii) upon the establishment of the Turkish Communal Chamber, you will render to that Chamber an account of any expenditure made from the said sum of £500,000 and will pay over the balance, if any, to that Chamber for the purposes mentioned in paragraph 1 above.
- (c) The Turkish Communal Chamber shall arrange for the Government of the United Kingdom in due course to be provided with audited statements of all transactions relating to the sums paid to you and to that Chamber in accordance with the above provisions of this paragraph.

3. I also have to request your confirmation that the Turkish community, including the High Council of Evcaf, have no financial claims against the Government of the United Kingdom, or against the Government of the Colony of Cyprus, arising or purporting to arise out of or in connexion with either the administration of Cyprus or the establishment of the Republic of Cyprus

or otherwise, and that no such claims will be made hereafter by or on behalf of the Turkish community. It is understood that this paragraph shall not affect the provisions, on its entry into force, of the Treaty concerning the Establishment of the Republic of Cyprus initialled at Nicosia on the of July, 1960, and in particular the provisions of Annex E thereto.

4. If you would kindly confirm your acceptance of the arrangements set out in paragraph 2 of this letter and give me the confirmation requested in paragraph 3, I will arrange for a joint account to be opened in your name with the Turkish Bank of Nicosia and for the sum of £500,000 to be paid into that account.

B.—Text of Letter from Dr. Kutchuk and Mr. Denktash

We acknowledge receipt of your letter of (dated) which reads as follows :

[Text as A]

2. We have the honour to confirm on behalf of the Turkish community our acceptance of the arrangements set out in paragraph 2 and to give you the confirmation requested in paragraph 3 of your letter.

Draft Exchange of Letters on Grant to Turkish Community

SCHEDULE

(1) General repairs to and renovation of Vakf buildings which suffered damage owing to rent control.

(2) Towards the cost of a new school building for Turkish Secondary Girls School in Nicosia.

(3) Towards the development of Vakf property at Kyrenia Gate, Nicosia.

(4) Construction of a new building in Nicosia for Turkish Communal Chamber, with necessary offices.

(5) Advance for the building of new Secondary School at Kyrenia.

(6) Towards the cost of development of certain land for a hotel at Kyrenia.

(7) Towards the cost of development of Vakf property at Limassol.

(8) Towards the cost of building on Vakf property at Larnaca modern tourist facilities.

(9) Towards the cost of completion of development of old Turkish Cemetery at Famagusta.

(10) Towards the cost of development of Tekke garden at Nicosia or other similar property.

APPENDIX V

MAP No 1

CONFIDENTIAL

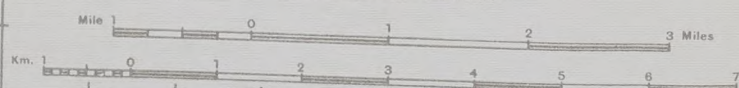
AKROTIRI SOVEREIGN BASE AREA

BY-PASS ROADS ==
O.R. 6827/0
CYPRUS

AKROTIRI AREA

CYPRUS GRID

CONFIDENTIAL



MAP No 2

CONFIDENTIAL

DHEKELIA SOVEREIGN BASE AREA

BY-PASS ROADS - - - -

CONFIDENTIAL

O.R. 6826/P
CYPRUS

DHEKELIA AREA

CYPRUS GRID

Geographical Section General Staff W.O. 1959

O.R.5439/C
CYPRUS
SCALE 1:500 000

CONFIDENTIAL
UNITED KINGDOM SITES

INSTALLATIONS AND TRAINING AREAS IN CYPRUS



LEGEND

SOVEREIGN AREAS

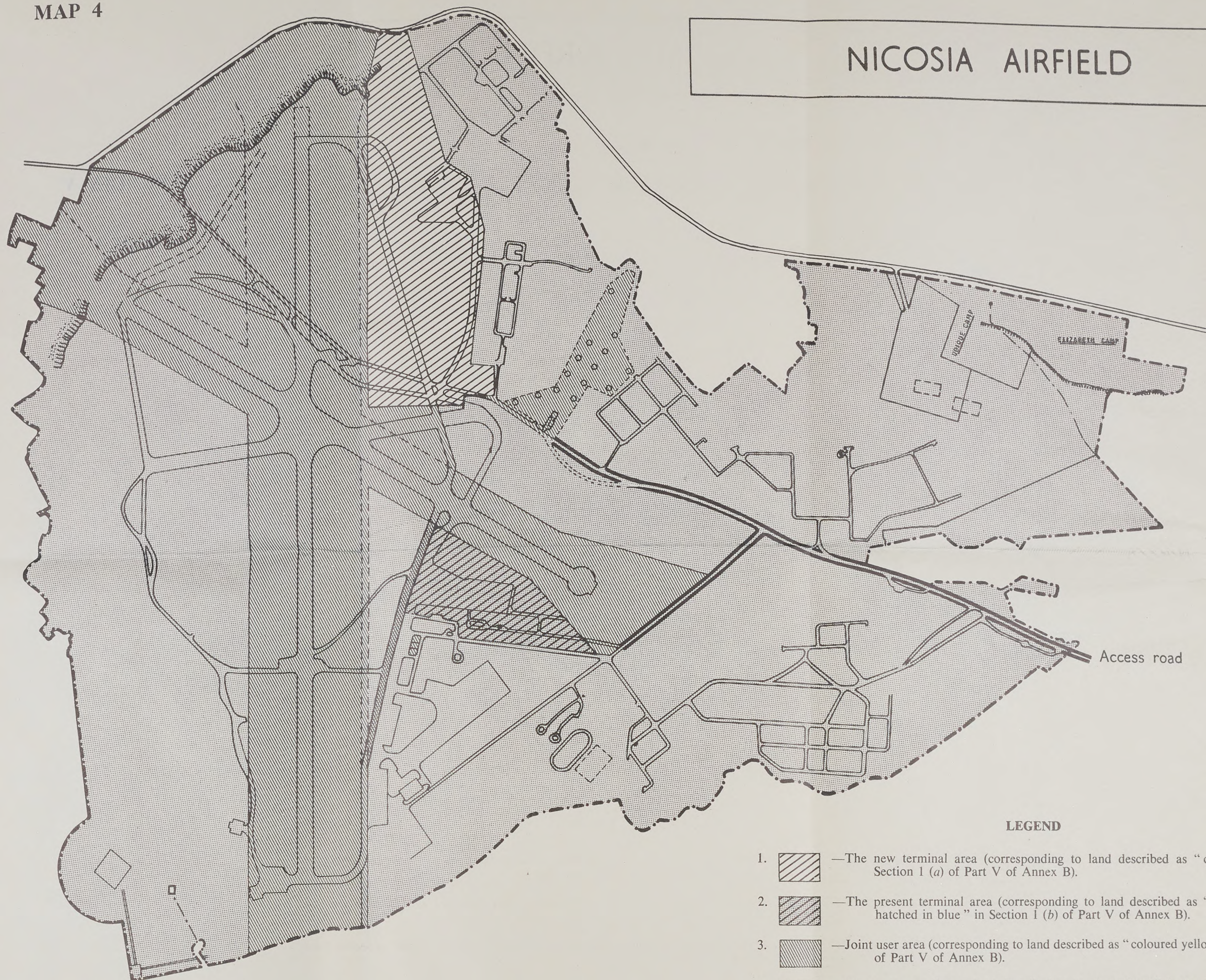
TRAINING AREAS

- | | | | |
|----|---|---|------------------------------------|
| A | GOSHI FIELD FIRING RANGE | F | PRASTIO DROPPING ZONE |
| B | AKAMAS FIELD FIRING AND
RN BOMBARDMENT RANGE | G | POLEMIDHIA RIFLE RANGE DANGER AREA |
| C1 | LEFKONIKO ARTILLERY RANGE | X | AIR TO GROUND FIRING RANGE |
| C2 | | Y | HIGH LEVEL BOMBING RANGE |
| D | AMPHIBIOUS WARFARE TRAINING AREA | Z | INSTRUMENT FLYING AREA |
| E | AYIOS VASILIOS DROPPING ZONE | | |

SITES AND INSTALLATIONS

NO.	SCHEDULE A	NO.	SCHEDULE B	NO.	SCHEDULE C	NO.	SCHEDULE D
1	AT LIMASSOL	1	AT POLEMEDHIA	1	AT TROODOS	1	NEAR NICOSIA
2	AT TROODOS	2	NEAR LARNACA	2	NEAR LIMASSOL	2	AT KARAOLOS
3	AT MOUNT OLYMPUS	3	NEAR ZYI	3	NEAR PAPHOS	3	NEAR KALOPOSDHA
4	NEAR ZYI	4	AT FAMAGUSTA	4	NEAR AYIA IRINI		
5	AT CAPE KITI	5	NEAR FAMAGUSTA	5	AT KISSOUSA		
6	AT CAPE GRECO	6	NEAR NICOSIA	6	AT LIMASSOL		
7	AT MOUNT YAILA	7	AT NICOSIA	7	NEAR FAMAGUSTA		
8	AT HERAKLIS	8	NEAR LARNACA	8	AT FAMAGUSTA		
9	AT FAMAGUSTA	9	NEAR NICOSIA				
10	AT NICOSIA AIRFIELD	10	NEAR FAMAGUSTA				

NICOSIA AIRFIELD



LEGEND

1.  —The new terminal area (corresponding to land described as "coloured blue" in Section 1 (a) of Part V of Annex B).
2.  —The present terminal area (corresponding to land described as "coloured red and hatched in blue" in Section 1 (b) of Part V of Annex B).
3.  —Joint user area (corresponding to land described as "coloured yellow" in Section 1 (c) of Part V of Annex B).
4.  —Site (corresponding to land described as "coloured red" in Section 1 (d) of Part V of Annex B).
[Note: The Site also includes the present terminal area, the access road and the present taxiway (Nos. 2, 5 and 6 of this legend).]
5.  —Access road (corresponding to road described as "marked brown" in paragraph 1 (b) of Section 2 of Part V of Annex B).
6.  —Present taxiway (corresponding to taxiway described as "coloured red and hatched in yellow" in paragraph 2 of Section 2 of Part V of Annex B).

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